

Agenda

Environmental Protection Commission

August 21, 1995

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

APPOINTMENT:

Delete ~~Don Grell and Ernie Kersten~~

~~10:45 A.M.~~

Agenda topics

- | | | |
|-----|--|------------------------------------|
| 1. | Approve Agenda | |
| 2. | Approve Minutes of July 17, 1995 and Electronic Minutes of July 6, 1995 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Update on UST-TAC | Larry Wilson (Information) |
| 5. | Monthly Financial Status Report | Mark Slatterly (Information) |
| 6. | Landfill of North Iowa Regional Collection Center Grant Contract | Mark Slatterly (Decision) |
| 7. | Landfill Alternatives Financial Assistance Awards | Teresa Hay (Information) |
| 8. | Monthly Reports | Allan Stokes (Information) |
| 9. | Air Quality Permit Fees | Allan Stokes (Information) |
| 10. | Final Rule--Chapters 20 and 22, Voluntary Operating Permits | Allan Stokes (Decision) |
| 11. | Final Rule--Chapters 22 and 23, NESHAPS Standards Updates | Allan Stokes (Decision) |
| 12. | Notice of Intended Action and Emergency Adopted Rule--Chapters 40 and 43, Water Supply Permit Fees | Allan Stokes (Decision) |
| 13. | Final Rule--Chapter 61, Water Quality Standards - COE Regional Section 404 Permit | Allan Stokes (Decision) |
| 14. | Proposed Contested Case Decision -- Welch Oil | Allan Stokes (Decision) |

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15. General Discussion
16. Address Items for Next Meeting

Next Meeting Dates

September 18, 1995

October 16, 1995

November 20, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 21, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

W.O. Bennett	Centerville Ia. Waterworks	
A Susan M. Horowitz	MAYOR IOWA CITY IA.	DM
Perry Beeman	Dm Register	KC
Scott Young	Bryan Cave/	
JOHN NORTH	UST-TAC	
Nelson F MAHLER	CEDAR RAPIDS WATER DEPT.	CEDAR RAPIDS
Robert GREEN	Summa Club	DM.
Jerry L. Moore	city of Dubuque water Dept.	Debuque IA.
Tracy Kasson	League of Iowa	DM -
Christopher D. Hess	Municipality	
Darlene Kruse	" "	DM
Reed G Croft	US EPA	Kasson City
Linda Kading	LFB	DM
Robin Fortney	Waterloo Water Works,	Waterloo Ia
Dawn Carlson	Iowa Assn of Mun. Util.	DM
Matt Eide	Midwest Powers	DM
DAN LEST	IA INSTITUTE FOR CO-OPS	AMES
Todd Dorman	IA ASSN of Business Ind.	DM
	GROWMARK, INC.	Bloomington, IL
	FD Messenger	Fort Dodge Ia

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 21, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

William O. Beckman	Environmental Educators & Consultants	Huxley
Amy Christensen	Sullivan & Ward	DM
Ed Novano	Iowa City Water	I/C
Chris Gault	Farm Bureau	WDSM
Jack Clark	Iowa Utility Comm.	DM
THOM ILES	DEELE & CO.	DSM.
SANDY GREINER	House	
Dawn Goodrich	Des Moines Water Works	DSM
LD McMullen	Des Moines Water Works	DSM
Jane McAllister	Ahlers Law Firm	DSM
John Eichelberger	Stanley, Lande & Hunter	Muscatine
Kathy Braden	Lee Newspapers	DSM
Elizabeth Anderson	IOED	DSM
Sharon Deenmeyer	Agribusiness Assoc.	DSM

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Sarders initials... JL *EPC Minutes*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

AUGUST 21, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, August 21, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Michael Fesler
Rozanne King, Chair
Charlotte Mohr, Secretary
Gary Priebe, Vice-Chair

MEMBERS ABSENT

Kathryn Murphy
Terrance Townsend

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Appointment - Don Grell and Ernie Kersten 10:45 a.m.

Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Gary Priebe to approve the Electronic Minutes of July 6, 1995, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

Chairperson King noted a typo on Page 75 of the July 17, 1995 meeting minutes.

Motion was made by William Ehm to approve the meeting minutes of July 17, 1995, as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Wilson announced that the staff photographer will take a picture of the Commission at 11:45 a.m. today.

UPDATE ON UST TECHNICAL ADVISORY COMMITTEE

Director Wilson introduced Scott Young, who has been working on the UST Technical Advisory Committee (UST-TAC). He distributed copies of a list of members on the UST-TAC and outlined the rulemaking schedule set by the committee. Director Wilson thanked Scott Young for taking a leadership role on this committee.

Scott Young

Scott Young stated that the legislature, under HF 508, intended to accomplish four broad goals, those being: 1) to provide financial solvency for the Underground Storage Tank Fund; 2) to take steps to enhance marketability of real estate that had gone through the UST cleanup process; 3) to focus resource allocated to clean up some of the sites which presented the greatest risk to the public health, safety, and the environment; and 4) to shift more of the burden of the assessment and cleanup process to private parties and their consultants, and offer the backing of the department staff. Mr. Young pointed out that the UST-TAC is not responsible for helping to draft rules for all of the changes in HF 508, but only for those that relate to 455B.474 dealing with the underground storage tank cleanup process. He noted that the committee's intention is to have draft rules ready for the department by September 1. Mr. Young expanded on the four goals and also explained Risk Based Corrective Action (RBCA). The rules will focus the resources on the sites that represent an actual risk to the public health. The committee is looking to shift the burden off the department and on to groundwater professionals.

Discussion followed regarding the time line for developing rules, the site cleanup process, and other states implementation of RBCA.

William Ehm asked if the Commission will receive a copy of the UST-TAC committee recommendations before the Commission is asked to approve rules.

Director Wilson indicated that the information will be provided to the Commission as it becomes available.

PUBLIC PARTICIPATION**Susan Horowitz (water supply permit fees)**

Susan Horowitz, Mayor, Iowa City, addressed the Commission noting that she also chairs the Local Governmental Environmental Resources Council (LEGERC). She listed the various membership of LEGERC and related that they recognized a need to work with the DNR and the EPC to meet the challenges of maintaining water quality in Iowa. She stated that the composition of LEGERC is what she sees as the beginning of an increasing public/private partnership to look at the whole issue in various subject areas throughout the state, and to minimize the private points of view of each individual part of the state. Ms. Horowitz related that LEGERC has worked with DNR on the previously recommended fee formula and will continue to work with them no matter what the recommendation is. But more than that, LEGERC wants to increase the supportive role to the DNR to augment their resources by providing technical expertise for an effective community, and to help the public understand what is involved in maintaining both water quality and water supply. She asked that the Commission, when considering the Water Supply Permit Fee rules, retain the concept of public/private partnership and its ability to address the challenges for providing safe water to the citizens throughout the whole state.

L. D. McMullen (water supply fee rules)

L.D. McMullen, General Manager-Des Moines Water Works, distributed copies of the written statement he presented to the Commission as follows:

**TESTIMONY
AT
ENVIRONMENTAL PROTECTION COMMISSION MEETING
AUGUST 21, 1995**

**DES MOINES WATER WORKS
Position
on IDNR Proposal**

**Dr. L.D. McMullen
CEO and General Manager
Des Moines Water Works
Des Moines, Iowa**

The Des Moines Water Works feels strongly that the administration of the drinking water program should remain the responsibility of the State of Iowa where local regulators are familiar with needs and concerns affecting Iowa's drinking water supplies. Primacy regulations are placed on water utilities to ensure that the water leaving their treatment plant is in compliance

with federal standards and is safe, quality, water. These regulations are based on point of entry to the distribution system which further implies that it is a utility based approach rather than per capita. In the state of Iowa, the services provided currently by the Iowa Department of Natural Resources (IDNR) are also utility-based rather than per-capita-based. Consequently, the Des Moines Water Works does not feel that the proposal prepared by Iowa Department of Natural Resources staff (IDNR) regarding water supply permit fees is fair and equitable to the regulated water community.

The Des Moines Water Works feels that the proposed fee is disproportionate to the services provided. With the proposed rule being considered today would generate the majority of the revenues needed from a \$.14 per capita fee applied to water systems, the small systems are receiving 90% of the technical support currently but are only paying 65% of the total fees that are collected. IDNR staff has reported that more than 90% of the technical support provided is for the 1,793 small systems serving a population of 3,300 people or less; the total number of water systems in the state of Iowa is 1,898.

This is contrary to a study commissioned by the South Carolina General Assembly which concluded that a state-wide fee schedule that subsidizes systems with 100 or fewer customers promotes the continued existence of non-viable systems. Des Moines Water Works also feels the IDNR proposal provides a subsidy to small systems that may not be financially or technically viable today. This subsidization will only promote further compliance problems and degrade the quality of Iowa's drinking water supplies. The United States Environmental Protection Agency (USEPA) 1994 Public Water Supply Supervision (PWSS) Compliance Report reveals that in 1994 the compliance rate, the percentage of utilities in compliance with EPA regulations, dropped to 66% nationwide, the lowest level in nine years. A total of 19,568 systems serving 64 million people reported over 88,000 violations with 87% of the community water systems in violation classified as small systems. Nationwide, 90% of the community water systems in violation of maximum contaminant levels (MCLs), monitoring and reporting (MR) requirements, and EPA established treatment techniques (TTs) were the small systems. The percent of community water systems in violation for EPA's Region VII, which includes Iowa, is 42% with 53.6 % of the total violations reported from small systems. Region VII reported there were no violations from systems with populations over 100,000. In the state of Iowa, 96% of the systems experiencing compliance problems are again these small systems. These statistics indicate the need for technical services and assistance is at the small system level for both the nation and within Iowa. It seems fair that the systems needing help to come into compliance, should pay for that service.

The Des Moines Water Works feels that there are several options available for generating the funds that are needed and in the past, IDNR has been open to hearing these options. In September of 1993 the Local Government Environmental Resources Council (LGERC) was established of which Des Moines Water Works is a member, to help develop a process for utilities, local governments and IDNR to meet the challenge of environmental issues. The members of LGERC wanted to establish an avenue for open communication with IDNR at all levels of the rule making process. In a cooperative effort with IDNR staff in 1994, a fee schedule was proposed that would generate 75% of the fees from a base fee; this was an

equitable, cost-of-service approach. However, the legislative Administrative Rules Review Committee delayed enactment of the 1994 proposal because of pending 1995 legislative action.

Des Moines Water Works believes there are three alternatives the Commission might consider in fulfillment of HF 553. The alternatives are:

1. Adopt the proposed rule developed by IDNR staff which was attained without involvement from the regulated community.
2. Develop a different rate structure that would comply with the law, but be more reflective of cost-of-service rather than an across-the-board per capita fee.
3. Apply a multiplier of 3.9 to the existing fee schedule that would generate the \$350,000 in funding requested.

We feel that alternative 3 provides for a simple and effective way to meet the desires of HF 553 and matches more closely the cost of providing the services. As was stated earlier 90% of the services provided are for small systems, the LGERC position in 1994 provided for small systems to pay 75% of the fees for these services. The IDNR proposal before you today would generate 32% of the fees from small systems and our proposal would generate 65% of the fees from small systems. Attached are two sections of the proposed rule with amended figures for your consideration. In our first section we applied a 3.9 multiplier to the existing fee schedule which has been a fair and equitable approach for all the regulated water communities. This multiplier generates the \$350,000 that has been stipulated. In the second section, fees generated through construction permit applications are included; it is recognized this revenue goes to the General Fund, but feel it still should be considered since it is a service provided and funded in IDNR budgets, which a portion comes from the General Fund.

In closing, I want to thank the Commission for the opportunity to present some different views on this matter. Des Moines Water Works feels the partnership between the State and water systems must continue to be supported and sufficient funds must be provided to retain drinking water primacy authority within the state of Iowa. We look forward to future opportunities to work cooperatively with you in support of Iowa's drinking water industry and to preserve the quality of drinking water for all Iowans.

Ed Moreno (water supply fee rules)

Ed Moreno, Superintendent-Iowa City Water Works, addressed the Commission stating he and those he represents believe they have the same common mission to protect public health through safe drinking water. He noted that due to his prior employment with DNR he has some special insight into the challenges of DNR and the challenges of their interaction with the water supply industry. He spoke of water system renovations taking place in Iowa City. He added that primacy is very important in the State of Iowa and some of the smaller utilities/water systems probably do not recognize the value of drinking water primacy. He stressed that public/private

partnerships such as LEGERC are very important and asked the Commission to listen to LEGERC in making their decisions about the water industry and regulations.

Reed Craft (water supply fee rules)

Reed Craft, General Manager-Waterloo Water Works, stated that he supports retaining primacy in Iowa. He related that he understands the purpose of the fees is to support the technical assistance functions of the water program of the department so that primacy would be retained. He added that retention of primacy is more important to the small water systems than to large systems because technical assistance is needed more by the small systems. The proposed formula for fees causes the larger systems to pay a share of the fees disproportionate to the services and benefits. He related that the 30 cities in Iowa with populations over 10,000 would pay almost half of the fees, and the other 1,900 remaining systems would pay the remaining half. Mr. Craft stated that water rates are designed on the basis of cost of service and the proposed fee schedule is not designed on a cost of service basis. He asked that a system with a higher minimum fee than \$25 be proposed and also that the permitting fees be restored.

John North (water supply fees)

John North, Water Utility Director-Cedar Rapids Water Works, distributed copies of the written statement he presented to the Commission on behalf of the City of Cedar Rapids Water Department, as follows:

“This is written to support the Public Water Supply Systems (PWSS) fee schedule as now proposed by LGERC (Legislative Governmental Environmental Resource Council). The City of Cedar Rapids believes that an “identical percentage across the board” increase for all Public Water Supply Systems is the preferable and more equitable method to raise the funds as mandated by the Iowa Legislature.

The current schedule provides for a fee that escalates in accordance with the population served by the Public Water Supply System. This fee schedule has been in place for several years and has generally been considered to be fair and appropriate. The LGERC proposal would assess fee increases that are in direct proportion to the fee that each PWSS now pays. This approach would retain the escalation factor feature of the current schedule and would also provide for a fee schedule that will be readily understandable and easy to administer.

The City of Cedar Rapids also supported LGERC’s initial proposal last fall since it believed strongly that it was in the best interests of all Iowans that the Iowa Department of Natural Resources (DNR) retain primacy for administering the state’s drinking water program. That fee schedule was a compromise approach which attempted to address the respective concerns of the small, medium and large water systems. It also incorporated the recommendations made by the DNR staff.

The City also believes that a well-designed fee schedule should reflect the cost of service provided or the benefits received. DNR has acknowledged that approximately 96% of its program efforts are directed to the smaller systems. It is also generally recognized that the primary benefactors of Iowa's retention of primacy for administering of the Safe Drinking Water Act (SDWA) would be the smaller systems. Thus, a case can be made that the larger systems are already paying a disproportionate share of the DNR funding realized from PWSS fees. However, Cedar Rapids does support the LGERC proposal since it will assess the same percentage increase on all Public Water Supply Systems regardless of their size.

In summary, the City of Cedar Rapids supports the LGERC proposed "identical percentage across the board" fee increase as the best and most equitable method to generate the revenues as mandated by the Iowa Legislature. We encourage its adoption by the Environmental Protection Commission."

Additionally, Mr. North stated that he would argue in favor of retention of the construction fee as mentioned by Reed Craft and L. D. McMullen. He related that the City of Cedar Rapids also has an engineering crew on staff that does the permit review work on behalf of the DNR. It is a cost that is not incurred by the DNR. He noted that elimination of that cost will further create a disparity as far as the benefits received and the cost of service that is provided.

Robert Green (water supply permit fees)

Robert Green, Manager-City of Dubuque Water Department, addressed the Commission stating that he feels the proposed rate structure is too one-sided to the large districts. He related that both the small and large systems need to bond together and it should be a shared team effort. He related that the smaller systems use the technical support from the DNR much more than the large systems do. He added that the smaller systems need to be brought into the loop and need to share the cost in a more equitable way. Mr. Green asked that the Commission re-evaluate the issue because the percentage factors would be a more fair way to handle it. He stated that most of the water systems would like to see primacy in the State.

Larry Bates (water supply permit fees)

Director Wilson read a letter to the Commission from Larry Bates, City of Clarksville, addressing the drinking water fees issue. His letter stated that the alternative fee schedule will only benefit large towns such as Des Moines, and it is another example of mandating an expenditure that will really hinder the small towns in Iowa.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

This item includes several topics related to the DNR's financial status for FY95 ending, the FY96 budget and preliminary information regarding the FY97/8 budget request process.

1. Mission Statement, Goals, Critical Issues and Strategies. This planning document was developed last summer and presented to the commissions as part of the budget packet.

The staff believes this document continues to be relevant. It provides a basic philosophy for guiding department policy and budget development.

2. Division Level Financial Status, FY95 and FY96 Initial Budget. This schedule shows the estimated total expenses for FY95 compared to FY94 actual and FY95 budget. The FY95 estimated actual amounts do not include the extra 27th payroll to facilitate comparison with like totals for the FY95 budget and FY94 actual.

Included for comparison purposes is the FY96 division level expenditure budget. This is preliminary and adjustments are being made within the totals shown for each division.

3. Groundwater Protection Fund for FY96. This schedule displays the estimated receipts and expenditures, by account, within the groundwater fund. No significant changes are expected for FY96 or in the budget request recommendation as compared to current program levels.

4. Budget Request Issues. This list of short, narrative statements outlines the significant issues, as compared to continuing programs at the FY96 level, which will influence the DNR's FY97/8 budget request.

Staff's intent is to provide these issues to the commissions and seek input from commissioners and other interested parties. Staff will be preparing the FY97/8 budget request, including an updated five-year capital plan, during August for approval for approval by the commissions at the September meetings.

5. Decision Package Priority Summary List. This priority list reflects decision package priorities for department operations submitted last year. Staff assumes the priority list for FY97/8 will be similar.

A key component of the budget request is the priority schedule involving the "base" (75% of the current level) and "decision packages" in priority order to the total of the request. This is required by statute. Commission input regarding these priorities is desirable for guidance to staff in developing current budget request priorities.

Input on all of these issues from commissioners is needed both at and subsequent to the meetings. As the staff prepares the budget request, related schedules will be sent to the commissioners. The staff expects to present the budget request for final approval to both the NRC and EPC at the September meeting. By statute, the DNR's request is due at DOM by October 1, 1995.

DNR OPERATIONS, DEPARTMENT WIDE

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	34,788,230	36,579,050	35,911,394	667,656	38,273,390
PERS TRV IN	625,439	770,397	657,000	113,397	781,124
STATE VEHICL	889,611	925,617	871,500	54,117	922,591
DEPRECIATION	1,356,484	1,385,463	1,160,800	224,663	1,380,606
PERS TRV OUT	187,901	353,095	184,938	168,157	372,819
OFF SUPPLY	882,052	980,678	915,738	64,940	971,430
FAC MAINT SU	959,302	1,052,380	945,000	107,380	1,116,096
EQUIP MAINT	888,292	781,535	909,000	(127,465)	794,184
PROF SUPPLY	977	6,471	1,100	5,371	64,530
AG CONS SUPP	492,652	552,867	523,000	29,867	513,293
OTHER SUPPLY	329,580	348,588	371,500	(22,912)	377,099
PRINT & BIND	659,944	754,959	654,500	100,459	898,927
UNIFORMS	150,780	192,102	204,450	(12,348)	194,202
COMMUNICATIO	694,231	698,821	792,500	(93,679)	711,447
RENTALS	199,336	214,985	232,950	(17,965)	266,985
UTILITIES	712,087	709,028	694,800	14,228	744,177
PROF SERV	2,658,011	7,122,866	4,019,247	3,103,619	9,371,042
OUTSIDE SERV	657,653	674,421	678,500	(4,079)	760,836
INTRA TRANSF	0	404,000	404,000	0	0
ADVER PUB	12,110	25,350	13,049	12,301	38,550
DATA PROC	482,830	443,056	323,600	119,456	406,936
AUDITOR REIM	163,645	160,000	175,000	(15,000)	170,000
REIMBURSEMENT	308,257	270,830	340,900	(70,070)	290,295
EQUIPMENT	1,343,511	4,660,101	2,882,000	1,778,101	3,386,591
OTHER EXP	404,333	227,579	85,600	141,979	155,984
LICENSES	558	1,047	1,750	(703)	1,047
	49,847,806	60,295,286	53,953,816	6,341,470	62,964,181

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	941,578	970,715	960,672	10,043	1,038,827
PERS TRV IN	36,778	53,100	43,000	10,100	54,282
STATE VEHICL	4,347	7,931	4,000	3,931	7,431
DEPRECIATION	7,755	12,640	7,300	5,340	12,640
PERS TRV OUT	8,273	9,500	10,500	(1,000)	9,500
OFF SUPPLY	75,525	104,076	80,000	24,076	76,600
FAC MAINT SU	1,028	6,000	500	5,500	31,000

EQUIP MAINT	3,540	6,850	4,200	2,650	6,850
OTHER SUPPLY	39,327	65,899	67,000	(1,101)	58,400
PRINT & BIND	299,648	293,510	270,000	23,510	325,944
UNIFORMS	306	2,150	1,500	650	2,150
COMMUNICATIO	22,957	26,900	27,000	(100)	25,800
RENTALS	1,287	1,500	1,700	(200)	2,000
UTILITIES	218	750	500	250	750
PROF SERV	89,165	70,568	50,000	20,568	80,070
OUTSIDE SERV	25,614	28,550	30,000	(1,450)	26,550
ADVER PUB	0	6,000	500	5,500	5,000
DATA PROC	13,979	14,050	7,800	6,250	14,050
REIMBURSEMENT	2,060	6,175	3,700	2,475	6,175
EQUIPMENT	34,828	30,724	25,000	5,724	29,724
OTHER EXP	100	2,600	500	2,100	2,600
	<u>1,608,313</u>	<u>1,720,188</u>	<u>1,595,372</u>	<u>124,816</u>	<u>1,816,343</u>

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	3,544,312	3,598,211	3,562,352	35,859	3,729,059
PERS TRV IN	36,797	48,050	35,000	13,050	42,850
STATE VEHICL	48,733	57,000	46,000	11,000	55,000
DEPRECIATION	145,319	80,500	65,000	15,500	75,500
PERS TRV OUT	4,784	7,300	7,500	(200)	8,500
OFF SUPPLY	314,207	315,255	345,000	(29,745)	357,500
FAC MAINT SU	2,091	21,000	2,500	18,500	16,000
EQUIP MAINT	45,040	52,000	45,000	7,000	57,000
OTHER SUPPLY	8,005	14,300	11,000	3,300	14,000
PRINT & BIND	21,116	14,500	25,000	(10,500)	16,000
UNIFORMS	2,460	2,500	6,000	(3,500)	2,500
COMMUNICATIO	98,778	97,100	98,000	(900)	102,100
RENTALS	503	500	500	0	500
UTILITIES	527	0	300	(300)	300
PROF SERV	62,018	40,000	54,000	(14,000)	60,000
OUTSIDE SERV	28,369	73,650	50,000	23,650	90,650
ADVER PUB	0	500	250	250	500
DATA PROC	188,477	97,000	50,000	47,000	81,000
AUDITOR REIM	163,645	160,000	175,000	(15,000)	185,000
REIMBURSEMENT	183,548	117,150	185,000	(67,850)	118,650
EQUIPMENT	173,698	158,508	185,000	(26,492)	169,500
OTHER EXP	383,632	165,320	10,000	155,320	100,000
LICENSES	0	50	50	0	50

5,456,059	5,120,394	4,958,452	161,942	5,282,159
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PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	4,378,069	4,818,078	4,824,995	(6,917)	4,555,104
SEASONAL	1,278,892	1,345,012	1,331,210	13,802	1,298,094
PERS TRV IN	72,376	57,274	70,000	(12,726)	58,550
STATE VEHICL	212,137	204,800	205,000	(200)	200,460
DEPRECIATION	304,490	296,900	270,000	26,900	304,150
PERS TRV OUT	4,998	7,585	4,500	3,085	7,585
OFF SUPPLY	33,046	35,700	58,000	(22,300)	37,200
FAC MAINT SU	500,824	479,500	530,000	(50,500)	570,409
EQUIP MAINT	400,521	286,749	340,000	(53,251)	312,298
AG CONS SUPP	67,853	26,792	55,000	(28,208)	34,035
OTHER SUPPLY	39,315	36,194	38,000	(1,806)	43,600
PRINT & BIND	54,853	24,000	26,000	(2,000)	28,000
UNIFORMS	31,530	31,577	33,000	(1,423)	34,077
COMMUNICATIO	98,313	98,002	95,000	3,002	105,250
RENTALS	37,023	34,900	39,000	(4,100)	38,050
UTILITIES	432,202	401,951	415,000	(13,049)	423,200
PROF SERV	97,181	62,408	80,000	(17,592)	105,165
OUTSIDE SERV	221,882	179,852	218,000	(38,148)	203,852
ADVER PUB	1,070	1,050	3,000	(1,950)	1,050
DATA PROC	4,555	5,000	3,000	2,000	5,000
REIMBURSEMENT	7,084	2,425	6,000	(3,575)	7,375
EQUIPMENT	203,645	202,000	242,000	(40,000)	210,500
OTHER EXP	776	4,700	100	4,600	2,700
LICENSES	512	697	200	497	697
	8,483,147	8,643,146	8,887,005	(243,859)	8,586,401

FOREST AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	1,700,668	1,762,827	1,720,567	42,260	1,804,191
SEASONAL	93,663	110,874	77,784	33,090	122,976
PERS TRV IN	34,236	43,500	39,000	4,500	42,800
STATE VEHICL	68,031	91,000	61,000	30,000	86,500
DEPRECIATION	133,145	139,700	123,000	16,700	138,500
PERS TRV OUT	7,996	9,300	7,200	2,100	8,800
OFF SUPPLY	16,770	20,300	27,500	(7,200)	25,870

FAC MAINT SU	50,454	44,000	43,000	1,000	33,500
EQUIP MAINT	59,574	57,000	55,000	2,000	49,000
AG CONS SUPP	130,342	144,000	123,000	21,000	113,000
OTHER SUPPLY	39,763	39,900	8,000	31,900	19,900
PRINT & BIND	5,909	15,500	3,500	12,000	26,200
UNIFORMS	8,066	15,600	11,500	4,100	14,300
COMMUNICATIO	31,170	43,669	37,000	6,669	39,669
RENTALS	34,925	36,000	40,000	(4,000)	38,000
UTILITIES	28,690	37,000	31,000	6,000	36,800
PROF SERV	0	500	20,000	(19,500)	8,820
OUTSIDE SERV	59,777	68,500	43,000	25,500	60,820
ADVER PUB	406	2,000	250	1,750	2,000
DATA PROC	19,776	3,300	800	2,500	2,000
REIMBURSEMENT	918	550	28,000	(27,450)	550
EQUIPMENT	74,077	115,931	135,000	(19,069)	71,861
	<u>2,598,356</u>	<u>2,800,951</u>	<u>2,635,101</u>	<u>165,850</u>	<u>2,746,057</u>

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	2,254,092	2,396,255	2,237,335	158,920	2,445,164
PERS TRV IN	20,252	39,893	20,000	19,893	51,756
STATE VEHICL	12,298	19,000	10,500	8,500	14,000
DEPRECIATION	25,560	30,500	17,500	13,000	20,000
PERS TRV OUT	41,042	66,696	47,000	19,696	68,787
OFF SUPPLY	30,407	34,560	30,000	4,560	36,105
FAC MAINT SU	2,284	1,700	500	1,200	2,200
EQUIP MAINT	3,212	8,350	3,200	5,150	6,550
PROF SUPPLY	977	5,121	900	4,221	3,280
OTHER SUPPLY	21,530	36,953	30,000	6,953	61,561
PRINT & BIND	31,317	49,700	34,000	15,700	48,300
UNIFORMS	0	1,000	750	250	1,000
COMMUNICATIO	40,457	45,850	41,000	4,850	46,428
RENTALS	2,194	500	3,000	(2,500)	3,100
UTILITIES	19,980	18,400	19,000	(600)	16,400
PROF SERV	767,256	1,352,826	900,000	452,826	1,955,824
OUTSIDE SERV	21,166	75,677	50,000	25,677	134,270
ADVER PUB	460	0	500	(500)	1,000
DATA PROC	13,584	22,900	4,500	18,400	19,530
REIMBURSEMENT	5,306	7,330	6,200	1,130	6,635
EQUIPMENT	94,217	105,945	135,000	(29,055)	158,381
OTHER EXP	4,639	25,409	7,000	18,409	4,742

3,412,230	4,344,565	3,597,885	746,680	5,105,013
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ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	7,539,956	8,584,860	7,809,632	775,228	9,486,078
PERS TRV IN	52,321	143,000	56,000	87,000	126,900
STATE VEHICL	38,614	48,500	40,000	8,500	52,500
DEPRECIATION	62,205	70,500	53,000	17,500	76,500
PERS TRV OUT	68,533	165,114	73,000	92,114	193,332
OFF SUPPLY	75,264	110,469	95,000	15,469	127,457
FAC MAINT SU	989	8,600	3,500	5,100	4,300
EQUIP MAINT	14,440	17,000	16,000	1,000	19,750
PROF SUPPLY	0	1,350	200	1,150	51,250
OTHER SUPPLY	21,959	44,050	20,000	24,050	46,300
PRINT & BIND	58,487	82,050	75,000	7,050	109,600
UNIFORMS	1,992	4,500	4,700	(200)	7,600
COMMUNICATIO	150,998	162,600	170,000	(7,400)	177,100
RENTALS	65,589	66,500	90,000	(23,500)	119,500
UTILITIES	17,622	24,811	19,000	5,811	24,811
PROF SERV	1,441,690	5,067,139	2,600,000	2,467,139	6,675,110
OUTSIDE SERV	84,580	71,080	90,000	(18,920)	91,446
INTRA TRANSF	0	404,000	404,000	0	0
ADVER PUB	6,536	10,600	6,500	4,100	12,900
DATA PROC	165,651	239,206	180,000	59,206	216,606
REIMBURSMENT	23,854	45,650	55,000	(9,350)	67,350
EQUIPMENT	323,387	2,772,339	945,000	1,827,339	1,732,191
OTHER EXP	8,650	23,250	18,000	5,250	12,720
	10,223,317	18,167,168	12,823,532	5,343,636	19,431,301

FISH AND WILDLIFE DIVISION

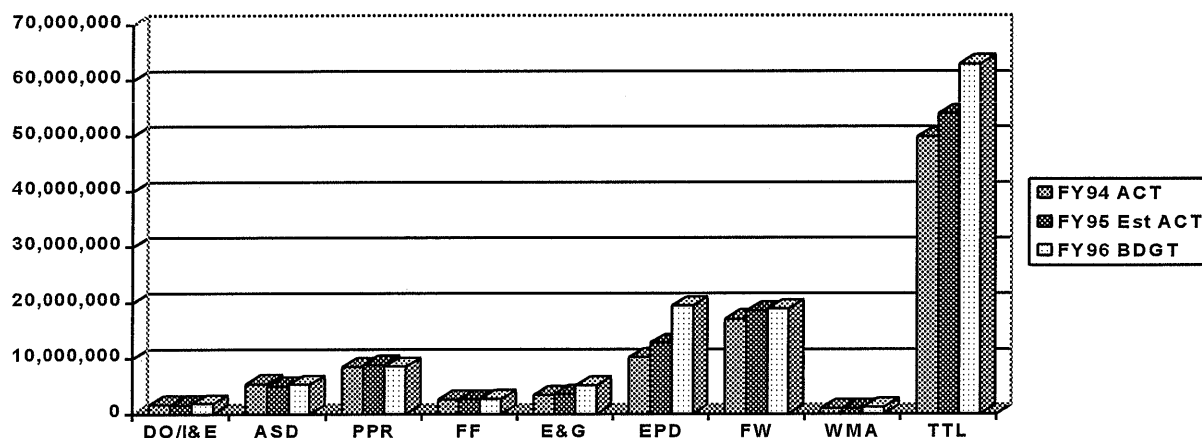
EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	11,725,190	11,802,780	11,933,062	(130,282)	12,227,973
SEASONAL	621,243	781,508	720,455	61,053	802,414
PERS TRV IN	345,439	351,280	365,000	(13,720)	355,522
STATE VEHICL	505,451	497,386	505,000	(7,614)	506,700
DEPRECIATION	678,010	754,723	625,000	129,723	753,316
PERS TRV OUT	30,179	40,400	35,000	5,400	48,400

OFF SUPPLY	329,984	334,118	280,000	54,118	303,668
FAC MAINT SU	401,632	491,580	365,000	126,580	458,687
EQUIP MAINT	361,965	350,436	445,000	(94,564)	350,836
AG CONS SUPP	294,457	382,075	345,000	37,075	366,258
OTHER SUPPLY	152,016	105,707	173,000	(67,293)	113,577
PRINT & BIND	157,197	224,375	190,000	34,375	283,625
UNIFORMS	106,426	134,675	147,000	(12,325)	132,575
COMMUNICATIO	236,569	207,200	310,000	(102,800)	204,100
RENTALS	56,926	73,535	58,000	15,535	65,035
UTILITIES	212,848	226,116	210,000	16,116	242,216
PROF SERV	134,334	411,009	315,000	96,009	392,780
OUTSIDE SERV	207,047	162,812	190,000	(27,188)	170,362
ADVER PUB	2,024	2,600	1,800	800	2,600
DATA PROC	69,538	54,000	73,000	(19,000)	64,000
REIMBURSMENT	68,912	68,450	40,000	28,450	68,450
EQUIPMENT	439,667	1,258,954	1,200,000	58,954	951,034
OTHER EXP	1,897	600	44,000	(43,400)	34,353
LICENSES	46	300	1,500	(1,200)	300
	17,138,997	18,716,619	18,571,817	144,802	18,898,781

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	Est. Actual FY95	Under(Over) FY95 Budget	Budget FY96
PERS SERV	710,567	750,557	733,330	17,227	763,510
PERS TRV IN	27,240	34,300	29,000	5,300	48,464
PERS TRV OUT	22,096	47,200	19,000	28,200	27,915
OFF SUPPLY	6,849	26,200	10,000	16,200	32,030
EQUIP MAINT	0	3,150	600	2,550	1,900
OTHER SUPPLY	7,665	5,585	24,500	(18,915)	29,761
PRINT & BIND	31,417	51,324	31,000	20,324	61,258
UNIFORMS	0	100	0	100	0
COMMUNICATIO	14,989	17,500	14,500	3,000	16,000
RENTALS	889	1,550	750	800	800
PROF SERV	66,367	118,411	80,000	38,411	93,272
OUTSIDE SERV	9,218	14,300	7,500	6,800	9,886
ADVER PUB	1,614	2,600	700	1,900	13,500
DATA PROC	7,270	7,600	4,500	3,100	4,750
REIMBURSMENT	16,575	23,100	17,000	6,100	15,110
EQUIPMENT	0	15,700	15,000	700	63,400
OTHER EXP	4,639	5,700	6,000	(300)	6,400
	927,395	1,124,877	993,380	131,497	1,187,956

DIVISION LEVEL/TOTAL EXPENDITURE COMPARISON



Department of Natural Resources Mission Statement

To manage, protect, conserve, and develop Iowa's natural resources in cooperation with other public and private organizations and individuals so that the quality of life for Iowans is significantly enhanced by the use, enjoyment and understanding of those resources.

Goal Summary

1. To achieve and maintain compliance with Federal and State environmental regulations related to water, air and land in a manner which encourages responsible economic development and involves meaningful citizen participation.
2. To increase the level of infrastructure renovation and maintenance so that project backlogs are eliminated within the next 5 years, and so that annual maintenance and renovation is equal to the need.
3. To develop public conservation and recreational resources so that the public's expectations for quality outdoor experiences are met.
4. To pursue the protection of lands possessing important or unique conservation and environmental values.
5. To increase the level of support, both volunteer efforts and financial, from citizens using public conservation resources.

6. To maintain an adequate level of protection and scientific management for Iowa's fish and wildlife resources.
7. To increase Iowa's use of indigenous energy sources, and to increase the use of cost-effective energy conservation measures as a means of decreasing Iowa's dependence on outside energy resources.
8. To increase the commitment to pollution prevention by public and private entities through education, technical and financial assistance and documented successes; and to facilitate effective individual and community effort related to recycling and waste reduction.

Key Strategies and Innovations for Goal Implementation

Utilize partnerships and coalitions with business associations, environmental organizations, and community representatives as a means of developing programs and implementing regulations in a cost-effective and supportive manner.

Encourage continuation of the REAP process for involving citizens in program development and for meeting infrastructure and land protection needs at both State and local levels.

Use the ICN as a means of both providing information to citizens and business organizations regarding environmental regulations and programs; and to solicit and encourage stronger citizen involvement in the development of related policies and programs. Provide GIS information as offerings on the ICN to local and regional government entities.

Encourage the use of "user" fees, supported by the user community, in instances where specific customer groups are receiving direct and recognizable benefits from environmental and conservation programs.

Critical Issue

1. Federal mandates (Clean Air Act, Clean Water Act, Waste reduction and recycling, etc.) and citizen expectations are resulting in more comprehensive environmental regulations coincident with increased demands on land, water and air resources by agricultural, and business interests.

Goal: To achieve and maintain compliance with Federal and State environmental regulations related to water, air and land in a manner which encourages responsible economic development and involves meaningful citizen participation.

Strategies and Innovations:

- A. Establish effective partnerships and coalitions with business associations and environmental interest groups regarding the development of environmental regulations and related regulatory programs. Provide financial incentives for waste reduction and pollution control initiatives.
- B. Provide "personal" assistance to businesses or groups applying for environmental permits. Assist business and individuals with the application process. Provide technical expertise through use of the GIS system, other State data sources, universities, and the DNR to assist industries in their efforts to reduce waste and comply with environmental regulations. A proactive approach to helping industry comply with environmental regulations should help in encouraging economic development.
- C. Provide more complete and up-to-date information regarding regulatory expectations, including use of the ICN, to regulated parties and citizens.
- D. Shift State funding, as possible, to core environmental regulatory programs, and use federal cost-share for desired program enhancements as a means of developing more State autonomy within the federal regulatory framework. Explore "user" fees supported by industry groups as a means for reducing demands on the State's general fund.

Critical Issue

2. Maintenance and renovation of conservation and outdoor related public infrastructure has been deferred to achieve short-term budget savings. The current replacement value of DNR infrastructure is \$508 million. A minimum of 2% per year of that should be directed toward maintenance and renovation. Current budget levels allow for about 4/10ths of one percent annually. Planned development of public recreation and park areas is being delayed. Well-maintained infrastructure makes a significant contribution to quality of life and encourages economic development.

Goal: To increase the level of infrastructure renovation and maintenance so that project backlogs are eliminated within the next 5 years, and so that annual maintenance and renovation is equal to the need.

To develop public conservation and recreational resources so that the public's expectations for quality outdoor experiences are met.

Strategies and Innovations:

- A. Encourage full funding of the REAP program as a means of responding to maintenance and renovation needs at State and local levels. Identify possible sources of revenues outside of the State's General fund for REAP program support.

B. Place greater reliance on the five-year capital planning process to identify and focus attention on maintenance, renovation and development needs of the highest priority.

C. Encourage the efforts and contribution of the REAP assemblies and the REAP congress in developing program priorities. Use the current REAP formula to leverage limited State funds with local funds and private donations.

Critical Issue

3. Increasing demands are being place on both public and private land. There are increasing public expectations for all lands, public and private, to be managed for the common good. Public and private lands should have reasonable protection from conflicting uses, while continuing to respect private property rights. Parcels possessing unique conservation values should be treated as a public trust.

Goal: To pursue the protection of lands possessing important or unique conservation and environmental values.

Strategies and Innovations:

A. Public involvement in the development of land use policies and decisions should continue to be fostered through the REAP program and the development of environmental policy. Partnerships with local government and private interest groups through the REAP program should be encouraged.

B. Plans completed and approved for open spaces protection, trails, forest resources, protected water areas, fishing lake development, wetland development and protection, and wildlife habitat should continue to serve as outlines for action with annual reviews and updates to focus on accomplishment and program adjustment.

C. Funds from private conservation associations, local government, and the federal government should be used in conjunction with REAP and Fish and Wildlife revenues for land acquisition and private land management incentives, both to leverage available State revenues and to encourage involvement by individuals, groups and other levels of government.

Critical Issue

4. The aging of Iowa's population will result in decreased sales of hunting and fishing license sales and expectations of low fees. Concurrently, increasing numbers of retirees will increase the use of public resources for leisure activities. There is growing interest in the non-game program. Related federal cost-share programs are being reduced. Maintenance of adequate enforcement and management programs will become more difficult.

Goal: To increase the level of support, both volunteer efforts and financial, from citizens using public conservation resources.

Goal: To maintain an adequate level of protection and scientific management for Iowa's fish and wildlife resources.

Strategies and Innovations:

A. Partnerships and coalitions are vital to maintain and continue progress in resource programs. Volunteer efforts in areas as diverse as toxic waste cleanup days and hunter safety instruction save significant State dollars. The DNR needs to continue efforts aimed at involving local groups and individuals as volunteers.

B. Continued implementation of personal computer systems for productivity and improved license sales systems must be given a high priority. Training of DNR users, electronic communications with DNR field units over the ICN, and provision of current technology is important to increasing productivity.

C. Emphasize "skills" training to teach customers how to hunt, fish and utilize public lands in an ethical manner, and to increase license sales.

D. Experience has demonstrated that the public is willing to pay reasonable user fees where the need is obvious and the service directly benefits the customer. Exploration of user fees at appropriate levels should be continued with focus on achieving acceptance and support from the community expected to pay the user fee.

Critical Issue

5. Continuing the long-term effort to significantly increase energy efficiency in both public and private sectors is important for both economic development and reducing public sector outlays.

Goal: To increase Iowa's use of indigenous energy sources, and to increase the use of cost-effective energy conservation measures as a means of decreasing Iowa's dependence on outside energy resources.

Strategies and Innovations:

A. Requests from public agencies for energy assistance are steadily increasing. Yet Oil Overcharge funds are being exhausted as a source of program support. A small portion of dollars saved through energy efficiency programs should be earmarked to continue program efforts proven successful at reducing energy usage.

B. Encourage the use of energy crops (switch grass, poplars, etc.) as plantings on CRP land and buffer strips. These biomass sources could serve a dual benefit of protecting land resources while, at the same time, reducing agriculture's dependence on imported fuel.

Critical Issue

6. Waste management and pollution prevention need to be viewed as complementary efforts. Initial efforts have demonstrated that effective use of "waste" is often an unrecognized profit opportunity.

Goal: To increase the commitment to pollution prevention by public and private entities through education, technical and financial assistance and documented successes; and to facilitate effective individual and community effort related to recycling and waste reduction.

Strategies and Innovations:

A. Focus WMA programs on waste reduction programs by larger organizations as being more cost-effective. The infrastructure for individual efforts, i.e., toxic waste cleanup days and regional collection sites is being successfully established, allowing a shift in program emphasis.

B. Continue to encourage the use of "waste" materials by industry as an economic resource. Continue economic incentives such as the Landfill Alternatives grant program.

C. Continue WMA efforts to expand markets and "close the recycling loop" by working with Iowa businesses and governments to purchase products made with recycled content. Develop and disseminate information regarding the economic impact of recycling in Iowa.

DNR FY97/8 Budget Request Issues and Guidance

1. General Fund Operations Appropriation: DOM has instructed agencies that budget requests for general funds will have to be from 1% to 2% less than the current appropriation. If the DNR follows priorities reflected in the FY96 request, the bulk of the reduction would occur in Parks seasonal staffing and Information and Education support.

	FY96	Less 2%	Net
Director's Office & Info. & Education	296,952	5,939	291,013
Administrative Services	1,356,175	27,124	1,329,051
Parks, Preserves and Recreation	5,565,094	111,302	5,453,792
Parks, Marine Fuel Tax Support	411,311	8,226	403,085
Forests and Forestry	1,498,405	29,968	1,468,437
Energy and Geological Resources	1,681,033	33,621	1,647,412

Environmental Protection	1,642,927	32,859	1,610,068
Water Protection Fund	404,000	8,080	395,920
REAP	8,000,000	160,000	7,840,000
Marine Fuel Tax Capitals	1,600,000	32,000	1,568,000
Marine Fuel Tax Grants	200,000	4,000	196,000
Totals	22,655,897	453,119	22,202,778

For operations, each division is preparing a "decision package" which reduces their budget by 2% General Fund. The Director and staff will review these from a department level perspective, and a final explanation of the impact of the reduction will be presented at the September meeting with the remainder of the budget request. REAP and Marine Fuel Tax capitals will be considered separately.

2. Water Supply Program: The last session authorized 36 FTE, an increase of 8 positions, but provided funding for only 29 FTE, an increase of one. The issues revolved around whether the additional cost should be borne by user fees or the State's general fund. To maintain State primacy, the State program will need sufficient resources to meet federal requirements.

3. Air Quality Program: The Air program has not enjoyed General Fund support in FY95 or FY96. DNR has authority to transfer \$281,000 from the Hazardous Waste Remedial fund, if necessary, for State match in FY96. At issue are federal requirements regarding the use of State Air fees as match for federal dollars. This has not been resolved yet, but there is a strong probability that the DNR will need a State source of funds, i.e., General Funds, to match federal air program support.

4. Fishing and Hunting License Fees: It appears license sales at current fee levels are sufficient to support division programs for several years. Expansion of FW programs would probably require fee increases. Staff anticipates no change in either fees or program levels, with the exception of additional officers funded by expanded non-resident deer and turkey sales. Current non-resident sales (deer 3,000 & turkey 1,000) generate about \$375,000 per year. An officer costs about \$63,000 per year, including support. Two positions were added in FY96. \$375,000 will support about 6 officers. Non-resident fees are earmarked for additional conservation officers.

5. REAP Appropriation: The REAP Congress recommended a request of \$10 million.

6. Marine Fuel Tax: While officially part of the General Fund, the law requires this revenue source to be accounted for separately. The current revenue level is about \$2.5 million per year. Current appropriation levels (\$1.6 capitals; \$411,000 operations, and \$200,000 local grants) are about \$2.2 million, resulting in an surplus.

No additional cost-share funds are anticipated from the Federal Clean Lakes Act for lake restoration. Lake Ahquabi is being completed, and future priorities include Pine Lake, Little Wall Lake and Storm Lake. The staff is considering requesting full funding from Marine Fuel to

continue lake restoration efforts. This would make about \$500,000 more available each year for lake restoration and other MFT projects.

7. Energy Bureau Funding: The Energy Bureau is funded primarily through Oil Overcharge Funds (OOC). This funding source will probably be exhausted in FY98. It is unlikely State General Funds will be available. An alternative funding source will be needed or energy programs will have to be curtailed.

8. Groundwater Programs: Staff anticipates that groundwater programs will be continued at current levels.

9. Floodplain and Dam Safety: Because this area is supported by the General Fund, the funding level has steadily eroded in recent years. There is a backlog in issuing floodplain construction permits and the DNR no longer does annual inspections on high hazard dams. There is a floodplain mapping requirement in the Code, but no means to undertake this effort.

10. Wastewater: Federal grants have not been available for several years. Federal construction grant residuals have funded the wastewater program, but this funding source will be exhausted by FY98. A replacement funding source will be needed in FY98 at about the \$800,000 annual level.

11. Forestry: It is likely there will be a reduction in federal support, currently about \$475,000 per year. Without federal cost-sharing, landowners are decreasing nursery stock purchases. The nursery is a high fixed-cost, low variable cost operation which means expenses do not decrease as fast as revenue. Nursery stock sales have decreased significantly in the last two years.

12. Parks and Recreation Areas: This is the largest General Fund operations budget. The DNR has been cutting equipment replacement, facility maintenance and seasonal help to compensate for General Fund reductions. With the rangers coming under FLSA provisions, they no longer work more than 40 hours a week. This has decreased services and facility maintenance. This is a relatively high fixed-cost operation. Further cost reductions will necessarily require additional decreases in services and maintenance.

13. Feed Lot Waste Permitting and Management: Two staff were authorized by the recent G.A. session. This is much lower than initial DNR estimates. Until the DNR gains experience and the rules are written, it will be difficult to estimate the level of effort required, but it is probably higher than two staff.

14. Federal Funding: A significant portion of the DNR's budget is supported by federal funds. It is unlikely that states will have a firm grasp of coming federal support until next December or January. This will introduce a large element of uncertainty in the budgeting process.

GROUNDWATER PROTECTION FUND

Environmental Protection Commission Minutes

August 1995

	FY95 BALANCE	FY96 RECEIPTS	FY96 TTL AVAILABLE	FY96 BUDGET	FY96 BALANCE
Storage Tank Accounts:					
STORAGE TNK PG ADM	130,926	137,000	267,926	201,589	66,337
REMEDIAL CLEAN UP ACTIVITIES					
DEPT OF HEALTH		1,000	1,000	1,000	
INSURANCE FUND		462,000	462,000	462,000	
TOTAL	130,926	600,000	730,926	664,589	66,337
Oil Overcharge Accounts:					
BIG SPRINGS STUDY 3	212,340		212,340	191,153	21,187
DNR GENERAL GW	23,044		23,044	23,044	
ABANDONED WELL EDUC AG	21,460		21,460	21,460	
AG ENERGY MGT AG	15,305		15,305	15,305	
TOTAL	272,149		272,149	250,962	21,187
Household Hazardous Waste:					
TOXIC CLEANUP	93,597	224,385	317,982	317,982	
HOUSEHOLD HAZ WASTE ADM		123,615	123,615	123,615	
HHWA DEPT HEALTH		2,000	2,000	2,000	
TOTAL	93,597	350,000	443,597	443,597	
Agricultural Mngt Accounts:					
DEPT PUBLIC HEALTH		9,000	9,000	9,000	
HEALTH CENTER		305,190	305,190	305,190	
LEOPOLD CENTER	200,551	1,186,850	1,387,401	1,387,401	
UHL REGENTS		203,460	203,460	203,460	
COUNTY GRANTS DNR ADM	73,577	67,820	141,397	30,794	110,603
COUNTY GRANTS 17.5% WELL TESTING	1,724,385	1,186,850	2,911,235	2,911,235	
CO. GRANTS 17.5% WELL ABANDONMENT	131,357		131,357	131,357	
COUNTY CONS BOARDS	15,109		15,109	15,109	
AG DRAINAGE WELL/SINKHOLES		440,830	440,830	440,830	
TOTAL	2,144,978	3,400,000	5,544,978	5,434,375	110,603
Solid Waste Accounts:					
SOLID WASTE DNR	907,836	1,570,182	2,478,018	1,535,805	942,213
DEPT OF HEALTH		8,000	8,000	8,000	
SMALL BUISINESS CENTER	134,578	526,061	660,638	660,638	
LANDFILL ALTERNATIVES	5,457,597	3,597,121	9,054,718	9,054,718	
SPECIAL WASTE AUTHORIZATION	38,011	50,000	88,011	63,398	24,613
UNI BY-PRODUCTS/WASTE SERVICE	65,000	65,000	130,000	130,000	
SANITARY DISPOSAL GRANTS	3,475		3,475		3,475
REG COUNCIL WASTE EXCG GRANTS	246,625	213,712	460,337	460,337	
HHW PERMANENT COLLECTN SITES	823,500	312,348	1,135,848	1,135,848	

HHW COLLECTN TRANSPORTATION	417,838	98,636	516,475	516,475	
TOXIC CLEANUP DAYS	670,530	279,470	950,000	950,000	
RECYCLING USER LOAN PROG	730,988		730,988	730,988	
DED TRANSFER	190,838	98,636	289,475	289,475	
WASTE REDUCTION AND ASST PG	132,476	180,833	313,309	205,322	107,987
TOTAL	9,819,292	7,000,000	16,819,292	15,741,004	1,078,288

DNR FY96 Budget Request

Operations Decision Package Summary

Introduction: This summary is presented for information purposes. The DNR expects that the decision package priority list presented to the commissions at the September, 1995 meetings will be similar. Under law, the DNR must submit operational priorities in terms of a "Base" which is 75% of the previous appropriation, and a series of "decision packages" in priority order from the "base" to the total of the request. The last decision package in the schedule is the lowest priority in terms of the request.

Priority	Description	Approximate Amount
Base	75 % of Current General Fund, FW Operations and Related Funds	57,000,000
1	Parks , seasonal staffing at selected parks and associated maintenance	1,500,000
2	FW : Big Springs hatchery, enforcement staff, and selected maintenance items	1,200,000
3	EPD Flood Plain : Restore program	300,000
4	Forestry : Restore State forest operations & management, and landowners assistance	200,000
5	ASD : Restore administrative staff needed to support programs at this level	870,000
6	Geology : Restore gauging stations, and development of geological data	305,000
7	Forestry : Restore fire protection and urban forestry programs	130,000
8	FW : Restore increment of enforcement, wildlife and fisheries	1,150,000
9	EPD Water Rights : Restore water withdrawal program and water use regulation	130,000
10	Parks : Restore staffing to current levels at several larger parks	80,000
11	Parks : Restore staffing to current levels at several larger parks	80,000
12	Geology : Fund the USGS cooperative agreement for gauging stations and data collection	55,000
13	I&E : Restore field information activities	112,000
14	FW : Restore Mississippi monitoring program,	1,150,000

and recreation safety programs

15	Forestry: Restore staffing and maintenance to maintain forest areas at current levels	55,000
16	FW: Restore seasonal help for enforcement, fisheries and wildlife	1,100,000
17	I&E: Restore publishing support for brochures, magazine & news releases	40,000
18	I&E: Restore electronic news services	15,000
19	Parks: Restore seasonal help & maintenance to bring parks to current operational level	85,000
20	FW: Add two conservation officers per legislative direction	150,000

Mr. Slattery reviewed details of the budget and status reports. He noted that number four on the item brief, Budget Request Issues, are very important at this point and reflected that staff will be formulating the budget for FY 97-98 over the next 30 days. He related that if the Commission desires any changes they should make Director Wilson aware of them.

Charlotte Mohr asked if projects previously funded by the Oil Overcharge Fund will be left unfinished since the funds are fading out.

Director Wilson stated that unless other funding is received the Big Springs study will not continue. He added that the study has gone on long enough to provide some valuable information.

Director Wilson explained that the Mission Statement and Critical Issues is a very important guidance document used in developing the budget. He related that it reflects good, responsible budget planning when at the end of the fiscal year the budget is looking at a reversion of approximately \$100,000. He related that the division administrators who are responsible for the execution of the budget have been doing a very good job of staying within their budget.

INFORMATIONAL ONLY

LANDFILL OF NORTH IOWA REGIONAL COLLECTION CENTER GRANT CONTRACT

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

In FY 1993, proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and conditionally exempt small quantity generators (CESQG) are conducted prior to transportation of these wastes to the final disposal site.

After careful evaluation the Landfill of Northern Iowa's proposal was one of three proposals to be given preliminary approval for a RCC grant pending submittal of their solid waste permitting information.

The Landfill of North Iowa received a solid waste permit for their RCC in July. Construction of their RCC will take place early this fall. This center hopes to begin collecting household hazardous wastes and CESQG hazardous wastes in March.

The Landfill of North Iowa has requested a grant of \$100,000 to assist in the establishment of their RCC. The region served by this center includes Cerro Gordo, Floyd, Franklin, Hancock, Winnebago and Worth Counties.

A draft of the Scope of Work, Milestones and Budget for the contractor (The Landfill of North Iowa) is attached. Approval is requested for the director to enter into a contract with the Landfill of North Iowa.

ARTICLE V. SCOPE OF WORK

The contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 5.1 Project description. The Contractor will establish a structure or structures to serve as a Regional Collection Center (RCC) and its public education program within a region that serves as a minimum, Cerro Gordo, Floyd, Franklin, Hancock, Winnebago and Worth Counties.
- 5.2 **RCC operation.** The contractor will collect hazardous wastes from households as well as conditionally exempt small quantity generators (CESQG). Households shall not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.
- 5.3 **RCC education program, households.** The RCC shall establish a public education program that will stress identification of household hazardous materials (HHM), source reduction, safer alternatives and the proper disposal of household hazardous wastes. All education activities shall be described in the monthly reports.

- 5.3.1 The education program shall demonstrate a commitment to working with local schools also including community colleges and universities. A RCC shall provide schools with, at a minimum, resource materials to supplement current curriculum, staff time for presentations, tours of the RCC, etc.
- 5.3.2 The education program shall demonstrate a commitment to working with local libraries. A RCC shall provide libraries with, at a minimum, resource materials, books, assistance for library information access, presentations, etc.
- 5.3.3 The education program shall demonstrate a commitment to educating the regional population in general. One of the goals of the education program is to educate as large a percentage of the region's population as possible regarding the identification of, the proper management of and alternatives to the purchase of household hazardous materials. The program shall also provide a phone number which people may call for HHM management assistance.
- 5.3.4 The education program shall promote retailer awareness of HHMs and the Department's Retailer's Consumer Education Program.
- 5.4 **RCC education program, Conditionally Exempt Small Quantity Generators (CESQG).** The contractor will establish an education program that will facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials. All CESQG education activities shall be described in the monthly reports.
- 5.5 **Public awareness, publicity campaign.** The contractor shall initiate a communications program to inform targeted audiences about the RCC. The communications program will consist of, at a minimum, preparation and distribution of brochures to households and CESQGs at the time of project start-up and appropriate advertisements to be placed on radio, television and in area newspapers.
- 5.5.1 **Public awareness, open house.** The Contractor shall conduct at least one open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote the RCC and shall inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.
- 5.6 **Project monitoring.** The contractor shall document and monitor the source of wastes within the region including the pounds of wastes collected, estimated participation rates, and the level of revenues and expenditures associated with the Project. Monitoring results shall be reported in monthly and final reports to the Department as described in 5.9 and 5.11.
- 5.7 **Permitting.** The Contractor shall obtain a solid waste permit from the Environmental Protection Division of the Department (515-281-8941) before the Project begins.

- 5.8 **Purchases.** The Contractor agrees to make a concerted effort to award at least ten percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services to targeted businesses (minority owned businesses or women owned businesses). The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional item of equipment, supplies, construction or services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations within five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property purchased solely with funds provided pursuant to this Contract unless the failure or cessation of the project is the result of circumstances beyond the control of the contractor despite the exercise of due diligence. In the event any nonexpendable tangible personal property item or items purchased or constructed, using grant funds, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

- 5.9 **Monthly reports.** The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.11.
- 5.10 **Pictorial history.** The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of

the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.11.

5.11 Final report. The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.10 with special attention given to the following items:

1) Information on the source of wastes within the Contractor's region including the pounds of wastes collected, collection schedule, and estimated participation rates associated with the Project. The impact of public education programs. A description of Project costs and revenues. Conclusions and recommendations regarding the Project.

2) The environmental impact of the Project.

3) Assessment of the viability of conducting this type of project in other regions within the State of Iowa.

4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.

5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.

6) Copies of educational materials, fliers, newspaper and magazine articles, news releases, and other written, audio, and pictorial materials that educate or promote the project.

ARTICLE VI. MILESTONES

<u>DATE</u>	<u>ACTIVITY</u>
August 1, 1995	uction begins
August 1, 1995	ducation program begins
March 1, 1996	Construction ends
March 14, 1996	Collection of household hazardous waste begins
March 14, 1996	Begin data monitoring of collections
April 27, 1996	Open House Held

June 13, 1996	Collection of CESQG hazardous waste begins
September 30, 1996	End data monitoring
November 1, 1996	Final Report and Pictorial History due to the Department

PAYMENT AGENT AND BUDGET*

Payment made to:

The Landfill of North Iowa
P. O. Box 1248
Mason City, IA 50428

ITEM	TOTAL COST	DNR GRANT	LOCAL SHARE
Mobile Unit	\$ 30,000	\$ 15,000	\$ 15,000
Truck	\$ 20,000	\$ 10,000	\$ 10,000
Equipment	\$ 15,000	\$ 10,000	\$ 5,000
Barrels	\$ 3,000	\$ 0	\$ 3,000
Bulking Materials	\$ 250	\$ 0	\$ 250
Safety Equipment	\$ 1,000	\$ 1,000	\$ 0
Vehicle O & M	\$ 2,500	\$ 0	\$ 2,500
Testing Equipment	\$ 500	\$ 500	\$ 0
Permanent Buildings	\$ 50,000	\$ 45,000	\$ 5,000
Site Work	\$ 23,000	\$ 18,500	\$ 4,500
Wiring	\$ 1,000	\$ 0	\$ 1,000
Initial Staff Training	\$ 1,500	\$ 0	\$ 1,500
Insurance	\$ 8,000	\$ 0	\$ 8,000
Personal Protective Equipment	\$ 750	\$ 0	\$ 750

* Budget includes materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as a RCC, site modification, up to 50% of the education program, equipment and initial staffing costs (Iowa Administrative Code 567-211.5).

Disposal	\$ 75,000	\$ 0	\$ 75,000
Education	\$ 10,000	\$ 0	\$ 10,000
Total	\$ 241,500	\$ 100,000	\$ 141,500

Mr. Slatterly gave a detailed explanation of the project and the proposed grant.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve the Landfill of North Iowa Regional Collection Center Grant Contract as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

12 applications totaling \$1,296,366 were selected for funding from a round of thirty-eight (38) applications submitted the first Monday in June 1995. A summary of each selected project follows for the Commission's information. Contracts will be brought to the Commission for approval beginning with the September meeting.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS SELECTED - JUNE 1995 ROUND

The following Landfill Alternatives Financial Assistance Program projects have been selected to receive financial assistance. Twelve (12) projects were selected to receive a total of \$1,296,366 in grant and zero interest loan assistance.

Applicant: Hawkeye Valley Area Agency on Aging -- Shirley Merner -- 319-233-5214
2101 Kimball, Suite 320
Waterloo, Iowa 50702
Black Hawk County

Award: \$ 23,652 - Grant

Project Type: Waste Reduction

Description: The applicant is proposing to replace 3 compartment styrofoam meal tray containers with plastic, reusable meal trays. In FY94, 184,002 meals were delivered throughout 10 counties of north central and east central Iowa in disposable containers. Applicant estimates that approximately 2,506 cubic feet of solid waste will be diverted from area landfills annually. Grant assistance is awarded for the purchase of reusable meal trays.

The applicant has not received previous financial assistance through this program.

Applicant: Butler County Solid Waste Commission -- Dennis Rops -- 319-267-2630
25251 Hwy. 3
Allison, Iowa 50602
Butler County

Award: \$ 127,300 - Loan

Project Type: Recycling

Description: The applicant is proposing to construct a limited recyclables processing center at the county's transfer station and place drop-off containers for recyclables in each incorporated city in Butler County (10 communities). Each community will be responsible for delivering the drop-off containers, when full, to the recycling center. Revenue generated from the marketing of recyclables will be given back to each community based on the percentage of recyclables coming from each community. Targeted materials include clear glass, milk jugs, steel food/beverage containers and old newspaper with the possibility of adding corrugated cardboard. Financial assistance is awarded for the center's concrete floor and deck, drop-off containers and equipment.

The applicant has not received previous financial assistance through this program.

Applicant: Great River Bend Area Agency on Aging -- Pat Laas -- 319-324-9085
P.O. Box 3008
Davenport, Iowa 52808-3008

Award: Scott County

Project Type: \$ 6,166 - Grant

Description: Waste Reduction
In response to and increase in the number of persons requiring home delivered meals and the addition of a new program (Medicaid Waiver Program), the applicant is awarded grant assistance for the purchase of additional reusable meal trays for the home delivered meal tray program and for elderly persons residing in the on-site housing complex. Over 240,000 meals are served each year by the applicant, approximately 67,200 are home delivered meals. With the project, an additional 7,200 homebound meals will be delivered annually.

The applicant received a \$3,600 grant in December 1991 to initiate the use of reusable meal trays in their home delivered meals program. This project will expand this program to new clients.

Applicant: Iowa Valley Community College District -- Bettie Bolar -- 515-752-4645
3702 South Center Street
Marshalltown, Iowa 50158
Marshall County

Award: \$ 78,968 - Grant

Project Type: Education

Description: The two year project, serving Marshall and Hardin Counties, will be the only coordinated effort to provide a wide range of education and activities designed to raise the awareness and understanding of waste reduction and recycling as solid waste management methods. Target audiences include families with school age children, small business and industry, multi-family dwelling unit owners and tenants and new residents to the counties. The applicant is awarded grant assistance for education program development and implementation including wages, travel, supplies, educational material preparation and distribution.

The applicant has not received previous financial assistance through this program.

Applicant:	Buena Vista County Solid Waste Commission - Ellsworth Jeppeson -- 712-732-7171 1247 630th Street Storm Lake, Iowa 50588 Buena Vista County
Award:	\$ 143,710 - Loan
Project Type:	Composting and Recycling
Description:	The applicant was awarded financial assistance to complete an expansion of the composting/recycling center located at the existing transfer station. Primary goal of the project is to reduce the amount of paper and paper products from entering the landfill. Financial assistance is awarded to complete a building addition and the purchase of an endloader and a truck.
	The applicant received a \$90,830 grant to expand composting operations from the June 1994 round. This loan project will complete building expansion and equipment purchases.

Applicant:	Spectrum Industries -- Heidi Swets -- 319-382-8401 105 Railroad Avenue Decorah, Iowa 52101 Winnebago County
Award:	\$ 1,215 - Grant
Project Type:	Education
Description:	The project involves purchasing a table top display unit to enhance current education programs. The portable, tabletop display unit will be used for an array of interchangeable title graphics, photographs, diagrams, etc. on waste reduction and recycling. The applicant will use financial assistance for the purchase of the display unit.
	The applicant has received two previous grant awards. The first was for \$68,380 during the Fall 1990 round of funding. This project involved expanding recycling activities by implementing drop-off collection in Winnebago County communities. The second award, \$30,690 in June 1994, was to implement recyclables collection from targeted populations, elderly, low-income and handicapped residential facilities. This project will enhance the success of previous funded projects through improved education.

Applicant:	Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508 1511 Third Avenue, Suite 1018 Seattle, Washington 98101
Award:	\$ 168,000 - Grant (\$126,000) and Loan (\$42,000)
Project Type:	Research and Development/Demonstration
Description:	The applicant, in cooperation with Fremont County Waste Systems, will implement a weight based collection pilot project in 4 communities in Fremont County (Farragut, Riverton, Sidney and Hamburg). The project will use certified weight-based systems to collect performance information regarding the amount of waste that could be reduced and diverted through a weight-based incentive program. Grant assistance is provided for wages, materials and equipment. Loan assistance is provided for solid waste containers.
	The applicant has not received previous financial assistance through this program.

Applicant: Carroll County Solid Waste Management Commission -- Jim Ulveling -- 712-792-5001
R.R. 3, Box 17
Carroll, Iowa 51401
Carroll County

Award: \$ 29,250 - Loan

Project Type: Recycling

Description: The applicant processes recyclables from six (6) counties in west central Iowa and proposes to replace two existing plastic granulators with a prototype granulator that "punches" plastic containers into flakes rather than grinding them. The granulator will process both natural and colored HDPE simultaneously and significantly reduce noise and dust. Loan assistance will be used to purchase and install equipment.

The applicant has received two previous grant awards. The first, \$181,600 in the Fall of 1989, was for recycling center improvements and to implement curbside recycling. The second award, \$83,700 in December 1993, was to implement a waste wood processing service for the 6-county area. This project will increase operating efficiency and improve working conditions in the recycling center.

Applicant: Ames Technologies, Inc. -- Jolene Hynes -- 515-292-5003
3704 W. Lincoln Way, Suite 101
Ames, Iowa 50014
Story County

Award: \$ 195,000 - Grant

Project Type: Research and Development/Demonstration

Description: The proposed project involves the manufacture and final testing of an alternative railroad tie (Eco-Tie) consisting primarily of fly ash, sulfur, and shredded tires. Eco-Ties are being developed as a replacement for creosote treated timber ties and concrete railroad ties. Grant assistance is awarded for design/fabrication of equipment, testing, marketing, wages, materials and lab fees.

The applicant received a \$175,000 grant in June 1993 to develop the alternative railroad tie from recycled materials and conduct initial testing. This project will refine the manufacturing process and conduct final testing toward meeting railroad industry standards.

Applicant: East Central Iowa Council of Governments -- Doug Elliott -- 319-398-1266
6301 Kirkwood Blvd. SW, P.O. Box 2068
Cedar Rapids, Iowa 52406
Linn County

Award: \$ 20,570 - Grant

Project Type: Education

Description: Financial assistance is requested for the educational component of a source separated pilot collection program of compostables. Compostables will be collected over a four week period from approximately 5,000 households in selected cities in Linn and Johnson Counties, a University of Iowa dormitory and the student union. The special collection program is to provide base data for the feasibility and economics of a regional composting facility. The educational component of the pilot study is to stimulate participation, ensure integrity and consistency of participants and provide base data from a waste sort and attitudinal survey. Grant assistance is awarded for educational material preparation and distribution and waste sort and sampling assistance.

The applicant has received two previous grant awards for education projects. The first award, \$13,520 in the Spring of 1991 was to conduct "train the trainer" classes on waste reduction and recycling. The second award, \$20,019 in June 1993, allowed the applicant to conduct several education programs on waste reduction and recycling. This project will provide educational support for conducting a source separated collection program for compostables as part of a regional co-composting facility study.

Applicant: Innovative Industries, Inc. -- Jean Rommes -- 515-782-8495
 215 North Walnut Street
 Creston, Iowa 50801-0216
 Union County

Award: \$ 14,300 - Loan

Project Type: Recycling

Description: The applicant proposes to initiate a used pallet recycling program within their existing new pallet construction operation. The applicant employees persons with disabilities and the proposed project would provide additional employment opportunities. It is anticipated that a minimum of 360 tons of used pallets will be diverted from the landfill. Unusable wood will be stored until collected by a Missouri company and ground for mulch and animal bedding. Financial assistance is awarded for a pallet dismantler.

The applicant has not received previous financial assistance through this program.

Applicant: Metro Waste Authority -- Fred Thies -- 515-323-6503 or 515-244-0021
 521 East Locust Street
 Des Moines, Iowa 50309
 Polk County

Award: \$ 488,235 - Grant

Project Type: Research and Development/Demonstration

Description: The applicant is proposing a 2 year project to construct an enclosed co-composting facility using "off the shelf" vendor supplied building materials and equipment. They anticipate diverting 24,000 tons of food waste, mixed paper, and corrugated cardboard from the landfill to the composting area during the project where it will be blended with yard waste for composting. Clean wood will also be diverted to serve as a bulking agent. Finished compost will be used at the landfill and the resulting technical information derived from this pilot project will be readily transferable across the state. Grant assistance is awarded for blower equipment and a greenhouse-like structure.

The applicant has received two previous grant awards. The first, \$25,000 in the Spring of 1990, provided education programs and training on waste reduction. The second, \$37,483 in December 1992, to implement a pilot recyclables collection program at various multi-family residential units in the metro area. This pilot project will divert compostables from the landfill using a low-tech facility and provide base information for expanding the diversion of compostable materials.

Teresa Hay briefly reviewed the project awards relating that there was a mixture of both grants and loans.

Kathryn Draeger stated that she takes issue with the Metro Waste Authority grant because the project does not address marketability. She added that it's taking a step backward by reapplying the compost to a landfill and reiterated that it seems the focus for organics should be marketability.

Teresa Hay stated that she does not disagree with Commissioner Draeger's point and asserted that there were no applications submitted for a marketability composting project.

Commission Draeger asked if the Commission has an option of not funding the project.

William Ehm stated that Teresa and her staff choose the projects for awards but the Commission does not have to approve it.

Ms. Hay stated that if the Commission has problem with the contract, staff can look at changing it in regard to the Commission's concerns.

Michael Fesler commented that the Skumatz award has a Seattle, Washington address and inquired whether the funds will go out of Iowa.

Ms. Hay stated that the project is being conducted in Hamburg, Iowa and the information that is gathered will be disseminated to all local governments in Iowa.

Commissioner Fesler indicated that he would like to see the money stay in the state when it is coming from the state.

Discussion took place regarding what authority the Commission has to approve or disapprove a project on the basis of the Scope of Work.

Director Wilson stated that the Commission can choose to disapprove a project.

Kathryn Draeger related that she toured a site on the East coast that was using composting material as daily, intermediate, and final cover for a landfill, which resulted in being landfilled material. She added that it was called daily cover but it was the same thing as they landfilled, and they had put a lot of technology into this material when, in fact, it was for no other use at all. She indicated that she is strongly opposed to the Metro Waste Authority grant.

Director Wilson stated that Terry Townsend sent him a letter regarding weight-based solid waste collections, and he will provide each Commissioner with a copy of staff's response to it.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

August 1995

Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
August 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22 - Revisions to Voluntary Operating Permit Rules	5/15/95	6/07/95	7/11/95	7/07/95	8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
2. Ch. 22 - Background Values for PM-10 AMENDED NOTICE	6/19/95 6/19/95	7/19/95 8/16/95	8/14/95 *9/05/95	*10/18/95	NOTICE *11/20/95	AMENDED *11/20/95	*12/20/95	*1/17/96	*1/24/96
3. Ch. 22, 23 - Standards for Hazardous Air Pollutants for Source Categories	5/15/95	6/07/95	7/12/95	7/07/95	8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
4. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/07/95	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	2/15/95	3/14/95	Delayed
5. Ch. 40, 43 - Water Supply Permit Fees	8/21/95	*9/13/95	*10/11/95	10/ /95	*11/20/95	*11/20/95	*12/20/95	*1/17/96	*1/24/96
6. Ch. 40, 43 - Water Supply Permit Fees	E M E R G E N C Y				8/21/95	*8/21/95	*9/13/95	*10/04/95	*9/13/95
7. Ch. 47 - Grants to Counties	7/17/95	8/16/95	*9/12/95	*9/07/95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
8. Ch. 61 - WQ Standards - Corps of Engineers Regional Section 404 Permits	5/15/95	6/07/95	7/12/95	-----	8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
9. Ch. 101 - General Requirements Relating to SW Management and Disposal	7/17/95	8/16/95	*9/12/95	*9/ /95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
10. Ch. 112- Infectious Waste	3/20/95	4/12/95	5/08/95	5/23/95	*9/18/95	*9/18/95	*10/11/95	*11/14/95	*11/15/95
11. Ch. 117 - Waste Tire Collection and Processing	3/20/95	4/12/95	5/08/95	5/25/95	7/17/95	7/17/95	8/16/95	9/12/95	9/20/95
12. Ch. 135 - Underground Storage Tanks	7/17/95	8/16/95	*9/12/95	*9/06/95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
13. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	6/19/95	7/06/95	8/02/95	9/05/95	9/20/95

* Projected

Monthly Variance Report						
July, 1995						
Item No	Facility	Program	Engineer	Subject	Decision	Date
1	Clear Lake Sanitary Sewer District	Wastewater Construction	Yaggy Colby Associates	Pump Clogging Protection	Approved	07/03/95
2	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Pond Influent Piping	Approved	07/03/95
3	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Inlet Discharge Depression	Approved	07/03/95
4	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Lagoon Multi-Level Drawoffs	Approved	07/03/95
5	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Inter-Cell Control Structures	Approved	07/03/95
6	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Number of Lagoon Cells	Approved	07/03/95
7	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Manhole Spacing	Approved	07/03/95
8	Persia-(Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Consulting Group, Inc.	Minimum Sewer Size	Approved	07/03/95
9	Minden, City of	Watersupply Construction	HGM Associates	Construction Materials	Approved	07/19/95
10	Oscar Mayer Foods Corporation - Davenport	Watersupply Construction	Snyder & Associates, Inc.	Siting Criteria	Denied	07/25/95

Report of Hazardous Conditions

During the period July 1, 1995, through July 31, 1995, reports of 92 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
07/08/95 Polk	A leak developed in a tank on a lawn care truck. Approximately 25 gallons of Trimec was spilled on a concrete parking lot in Altoona. No storm sewers were impacted.	Barefoot Grass Lawn Service Norwalk, IA	The Des Moines Hazmat team responded. The material was neutralized with soda ash and absorbed with peat moss.
07/11/95 Cerro Gordo	A hose fell out of a tanker truck as food waste was being pumped into a tanker truck. 3000 gallons of pudding scraps spilled into a truck bay. 100 gallons of scraps flowed into a storm sewer in Mason City. No impacts to aquatic life were observed.	Kraft Foods Mason City, IA	The pH of the liquid was 4.4, making it acidic. The company flushed the storm sewer and recovered the liquid.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February	40(57)	30(38)	0(3)	10(16)	23(29)	0(2)	16(22)	2(0)	1(0)	0(2)
March	41(69)	27(42)	5(6)	9(21)	44(24)	0(0)	17(14)	0(2)	0(3)	0(6)
April	75(88)	30(39)	25(33)	20(16)	39(50)	1(0)	30(29)	1(1)	1(1)	3(7)
May	90(75)	45(28)	40(29)	5(18)	34(38)	0(5)	49(22)	2(2)	1(3)	4(5)
June	98(74)	48(39)	23(29)	21(12)	32(51)	2(0)	56(18)	2(2)	0(0)	6(3)
July	92(79)	58(51)	21(9)	13(19)	43(54)	0(2)	45(19)	2(1)	0(1)	2(2)
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
13	13	9	10	26	21

REPORT OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of July 1, 1995 through July 31, 1995, the following number of releases from underground storage tanks were identified.

18(19)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1994.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of July 1, 1995 through July 31, 1995, the following number of LUST cleanups were completed:

14(963)

The number in parentheses represents the total number of LUST cleanups through July 31, 1995.

NUMBER OF LOW RISK SITES APPROVED

During the period of July 1, 1995 through July 31, 1995, the following number of low risk sites were approved:

26(803)

The number in parentheses represents the total number of low risk LUST sites through July 31, 1995.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Organic Technologies Corp., Warren Co. (5)	Solid Waste	Leachate Control; Other	Order	7/10/95
Orville Long, Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$3,000	7/10/95
Redmond Enterprises, Inc.; Roger C. Redmond and Mara O. Redmond, Executors of the Estate of Darel F. Redmond; Jr., Council Bluffs (4)	Underground Tank	Remedial Action	Order	7/19/95
Holiday Mobile Lodge, Inc. Johnson Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	7/20/95
Iowa City, City of (6)	Wastewater	Discharge Limits	Order	7/24/95
Carlisle, City of (5)	Wastewater	Compliance Schedule	Amended Order	7/24/95

Environmental Protection Commission Minutes

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Robert Vavra d/b/a RV;s Harpers Ferry (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order	7/24/95
Maple Hill Country Club, Tripoli (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty \$300	7/24/95
Bossom's Quasky Mart, Quasqueton (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty \$100	7/24/95
Shell Rock Products, Inc., Butler Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	7/27/95
Ken Frese, Williamsburg (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	7/27/95
Continental Grain Co., Wayne Feeds Division, Mason City (2)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$200	7/27/95
Beachland Inn, Manchester (1)	Drinking Water	Monitoring/Reporting- Lead and Copper; Public Notice	Order	7/27/95
Kellerton, City of (4)	Drinking Water	Monitoring/Reporting- Lead & Copper; Public Notice	Order/Penalty	7/27/95
Orchard, City of (2)	Wastewater	Compliance Schedule; Discharge Limits	Order	7/27/95
Woden, City of (2)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty \$500	7/27/95
Dodger Enterprise Co., Tire Chop Division; Donald Grell, Ft. Dodge (2)	Solid Waste	Other - Tires	Order	7/31/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	AQ	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95

*Payment Schedule

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North Coralville Lake Manor (Solon)	WS	450	3-26-95	n Minutes
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95	
Galva, City of	WS	1,000	4-06-95	
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95	
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95	
R.V. Hopkins, Inc. (Davenport)	AQ	10,000	5-29-95	
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95	
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95	
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95	
Dallas County Care Facility (Adel)	WS	550	6-13-95	
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95	
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95	
Kineth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95	
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95	
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95	
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95	
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	7-10-95	
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95	
Nishna Valley Community School (Hastings)	WS	1,000	8-05-95	
*Waste Management & Design, Inc. (Webster City)	WW	1,540	8-10-95	
Springbrook Country Club (DeWitt)	WS	1,000	8-17-95	
Farmers Hybrid Companies, Inc. (Humboldt Co.)	WW	2,000	8-19-95	
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95	
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95	
Sheldahl, City of	WS	200	8-30-95	
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95	
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000	9-01-95	
Orville Long (Polk County)	SW	3,000	9-12-95	
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000	9-25-95	
Maple Hill Country Club (Tripoli)	WS	300	9/27/95	
Bossm's Quasky Mart (Quasqueton)	WS	100	10/01/95	
Edward Bodensteiner (Des Moines)	UT	3,200	-----	
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----	
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----	
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000	-----	
Ken Frese (Keokuk Co.)	SW/AQ	1,000	-----	
Continental Grain Company (Mason City)	WS	200	-----	
Kellerton, City of	WS	400	-----	
Woden, City of	WS	500	-----	
TOTAL		143,112		

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
TOTAL		33,156	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000

Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Woodburn, City of	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000

Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Riverview Manor (Scott Co.)	WS	375
Louisa Courts Mobile Home Park & Sales (Muscatine)	WS	900
Sioux City, City of	AQ	10,000
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Keck, Inc. (Des Moines)	UT	1,500
Cumberland Ridge First Addition (North Liberty)	WS	550
West Side Unlimited Corp.; West Side Salvage (Benton Co.)	AQ/SW	5,000
Doolittle Oil Company, Inc. (Webster City)	UT	6,500
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk County)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Rinehart Construction d/b/a North Dallas SLF (Boone Co.)	WW/SW	10,000
TOTAL		478,701

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Michael J. Reding (Kossuth Co.)	WW	2,250
*Phil McMains (Appanoose Co.) (PAID IN FULL)	SW	600
Kessler's Homeowners Assn. (Iowa City)	WS	100
Brittany Estates Addition (Manchester)	WS	500
Timberlake Estates (Swisher)	WS	100
Walnut Grove Water Company (Davenport)	WS	200
New Hampton, City of	WW	10,000
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	200
*Waste Management & Design, Inc. (Webster City)	WW	1,440
Birmingham, City of	WS	50
TOTAL		15,390

The \$1,700 penalty assessed McBride Aviation, Inc.; Ivan McBride (Marion) has been withdrawn.

*Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed Trial Date	6/20/94 8/22/94 8/09/95
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer Oral Arguments	1/18/94 1/18/94 2/08/94 5/24/95
Dunkel, Paul L. Delaware Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/19/95
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 7/16/96
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)	Updated Underground Tank	Remedial Action	Order	Referred Petition Filed Consent Decree (\$3,500/Civil + Injunction)	5/17/93 1/18/94 6/07/95
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred Petition Filed	10/17/94 5/02/95
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprt Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator; Worth Co. Co-op Oil	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94
Amoco				Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/93 12/28/92 3/10/93 12/22/94
v. IDNR				Suit Filed DNR Answer Consolidation Order 215.1 Order	12/15/92 1/04/93 3/10/93 12/22/94
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel Ida Grove (3)	Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Revised SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Murphy	Order rescinded. Case closed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Murphy	Order rescinded. Case closed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George M. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Settlement close.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing continued.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 9/8/95. New site assessment under review by F.O. 3.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Consent order.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Penalty paid. Settled.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision. EPC affirmed.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Settlement close.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Petition for judicial review of agency action filed.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Nunelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Consent order/settlement.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Received payment 7/28/95. Closed.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units to be completed soon.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	Hearing reset for 8/11/95.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Proposed decision issued by ALJ on 5/8/95. Not appealed. Penalty paid.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	2/3/95-Letter to water supply regarding appeal. 2/20/95-Response - compliance initiated. 7/95 - in compliance. Dept. offer to reduce penalty to close appeal.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.

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7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Yiri Li	GW Professional Denial	UT	Wornson	Appeal withdrawn. Closed.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	3/95 letter to facility regarding appeal. 7/95 follow-up letter to facility.
7/25/94	Kesslers Homeowners Assn.	Administrative Order	WS	Clark	Settled.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance. 7/26/95 facility in compliance. Dept. offer to reduce penalty.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Negotiating settlement.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Proposed decision appealed. To EPC 6/19/95. EPC affirmed 6/19/95.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order. SCR received.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Hearing continued to discuss settlement.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.

August 1995

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
August 1, 1995

Environmental Protection Commission Minutes

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Hearing rescheduled for 8/31/95.
11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Hearing held 7/25/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/07/95	Michael J. Reding	Administrative Order	WW	Clark	Settled.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	Lehigh Portland Cement	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Negotiating before filing.
4/26/95	Larry Royer	Administrative Order	WW	Clark	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Proposed decision issued 7/11/95.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/26/95	Central Iowa Power Cooperative (CIPCO)	Permit Conditions	SW	Kennedy	Negotiating before filing.
4/28/95	Perry, City of	Administrative Order	WW	Hansen	Hearing set for 9/7/95.
5/01/95	Central Iowa Power Cooperative	Permit Conditions	SW	Kennedy	Settlement pending.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.

Environmental Protection Commission Minutes

August 1995

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
August 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5/04/95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Negotiating before filing.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/08/95	Riverview Manor	Administrative Order	WS	Clark	Negotiating before filing.
5/09/95	Louisa Courts	Administrative Order	WS	Hansen	Dept. letter. Facility working towards compliance.
5/10/95	Boone County Humane Society	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/19/95	Sioux City, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/23/95	Dan L. Schwitters d/b/a Schwitters Enterprises, Inc.	Administrative Order	UT	Wornson	Closed.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Negotiating before filing.
5/25/95	E.I. DuPont DeMours (95-A-133)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	Settlement pending.
5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/30/95	Earth Media Technologies	Administrative Order	SW	Kennedy	Negotiating before filing.
5/31/95	E.I. DuPont DeMours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6/05/95	West Side Unlimited Corp.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
6/06/95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6/07/95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	Negotiating before filing.
6/09/95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/12/95	North Brady Animal Hospital	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/14/95	Salsbury Chemicals	Permit Conditions	WW	Hansen	Negotiating before filing.
6/16/95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Allison Fire Department; City of Allison	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	Negotiating before filing.
6/20/95	Toledo, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
6/23/95	Leonard C. Page	Administrative Order	SW	Kennedy	Negotiating before filing.
6/29/95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	Negotiating before filing.
7/05/95	Boyer Valley Co.	Administrative Order	WW	Hansen	New case.
7/07/95	Proctor & Gamble Hfg. Co.	Permit Denial	AQ	Preziosi	New case. Settled.
7/10/95	Donald Krieger	Administrative Order	UT	Wornson	New case.
7/10/95	Gilbert Persinger	Administrative Order	UT	Wornson	New case.
7/13/95	Organic Technologies Corp.	Administrative Order	SW	Kennedy	New case.
7/27/95	Rinehart Construction d/b/a North Dallas Sanitary Landfill	Administrative Order	WW/SW	Kennedy	New case.
7/28/95	Harold T. Knott; James C. Knott	Administrative Order	UT	Wornson	New case.

Mr. Stokes briefly reviewed the monthly reports.

Brief discussion followed regarding the infectious waste rules.

INFORMATIONAL ONLY

AIR QUALITY PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided information and discussion relative to the FY 95 & 96 budgets for the air quality program as they relate to the air quality permit fees. The Commission will be asked to render a final decision on appropriate permit fees to be charged for FY 96 at the September meeting.

Mr. Stokes informed the Commission that they will need to decide relatively soon on what the permit fees will be for the Operating Permit Program next year. Those fees will be due in November. He distributed copies of a preliminary Air Quality Budget for State Fiscal Year to July 1, 1995. He related that staff will refine the numbers over the next 30 days and bring it back to the Commission next month. He reviewed details of the preliminary budget and related that staff will need enough carry forward funds to cover expenses through the next several months. He noted that the Commission will need to decide whether to change the budget from the present \$24/ton fee. He related that if the Commission chooses to do that, staff would have to demonstrate to EPA why the adjustment is being made.

Charlotte Mohr stated that she feels the fee should not be altered so the program can be monitored for a few years to see how it is doing.

Discussion followed regarding the program budget, FTE's for the air permit program, and clerical support in central office and the field offices.

INFORMATIONAL ONLY

FINAL RULE--CHAPTERS 20 AND 22, VOLUNTARY OPERATING PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached final rule to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of these amendments is to establish a definition of the term "12-month rolling period" and to revise and clarify the terms and conditions under which a source is eligible for a voluntary operating permit. The amendments also add a provision establishing that requirements included in a voluntary permit shall be enforceable as a practical matter under the state implementation plan.

Notice of Intended Action proposing these amendments was published in the Iowa Administrative Bulletin on June 7, 1995. A public hearing was held on July 7, 1995. No oral comments and three written comments were received. A summary of the comments and the Department's response is attached. No changes from the Notice of Intended Action were made.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of these amendments is to establish a definition of the term "12-month rolling period" and to revise and clarify the terms and conditions under which a source is eligible for a voluntary operating permit. These amendments add a definition to 20.2(455B) and 22.100(455B) for "12-month rolling period" providing a general definition applicable to this title and specifically to the voluntary operating permit program.

These amendments establish the conditions under which fugitive emissions must be considered in evaluating a source's emissions for the purpose of determining whether a source is eligible for a voluntary operating permit.

These amendments also restrict sources that are specifically required by federal rule to obtain a Title V operating permit from obtaining a voluntary operating permit.

Also included is a provision establishing that requirements included in a voluntary permit shall be enforceable as a practical matter under the state implementation plan.

A Notice of Intended Action proposing these amendments was published in the Iowa Administrative Bulletin on June 7, 1995, as **ARC 5655A**. A public hearing was held on July 7, 1995. No oral comments and three written comments were received. No changes from the Notice of Intended Action were made.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

ITEM 1. Amend rule 567--20.2(455B) by adding the following new definition:

"12-month rolling period" means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

ITEM 2. Amend rule 567--22.100(455B) by adding the following new definition:

"12-month rolling period" means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

ITEM 3. Amend rule 567--22.200(455B) as follows:

567--22.200(455B) Definitions for voluntary operating permits. For the purposes of rules 22.200(455B) to ~~22.207(455B)~~ 22.208(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

ITEM 4. Amend paragraphs 22.201(1)"a" and "b" as follows:

a. That the potential to emit, as limited by the conditions of air quality permits obtained from the department, of each regulated air pollutant shall be limited to less than 100 tons per 12-month rolling period. The fugitive emissions of each regulated air pollutant from a stationary source shall not be considered in determining the potential to emit unless the source belongs to one of the stationary source categories listed in this chapter;

b. That the actual emissions of each regulated air pollutant have been and are predicted to be less than 100 tons per 12-month rolling period. The fugitive emissions of each regulated air pollutant from a stationary source shall not be considered in determining the actual emissions unless the source belongs to one of the stationary source categories listed in this chapter; and

ITEM 5. Amend paragraph 22.201(2)"a" as follows:

a. Any affected source subject to the provisions of Title IV of the Act or sources required to obtain a Title V operating permit under paragraph 22.101(1)"e" or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for a voluntary operating permit.

ITEM 6. Amend paragraph 22.206(2)"c" as follows:

c. All emission limitations, all controls, and all other requirements included in a voluntary permit shall be at least as stringent as any other applicable limitation or requirement in the state implementation plan or enforceable as a practical matter under the state implementation plan. For the purposes of this paragraph, "enforceable as a practical matter under the state implementation plan" shall mean that the provisions of the permit shall specify technically accurate limitations and the portions of the source subject to each limitation; the time period for the limitation (hourly, daily, monthly, annually); and the method to determine compliance including appropriate monitoring, recordkeeping and reporting.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly explained the rules.

Motion was made by William Ehm to approve Final Rule--Chapters 20 and 22, Voluntary Operating Permits. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 22 AND 23, NESHAPS STANDARDS UPDATES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached final rule which proposes to amend Chapter 22, "Controlling Pollution," and to add a new rule to Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purpose of this rule-making is to update references to federal regulations and to adopt, by reference, the federal standards for hazardous air pollutants for source categories.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 7, 1995. A public hearing was held on July 7, 1995, which was the final day of the public comment period. One oral comment and three written comments were received. As a result of one comment, a sentence of clarification was added to 23.1(4)"h" and a reference to 40 CFR 63.190 was added to 23.1(4)"i", for clarification. A summary of the comments and the Department's response is attached. Copies of the written comments are also attached.

The hazardous air pollutant standards are required to be adopted by the state as a part of the Title V Operating permit program delegation of authority. Section 112(l) of the federal Clean Air Act (CAA), as amended in 1990, establishes the mechanism necessary for the state to meet the obligation to administer these standards. In accord with Section 112(l) all current federal standards for hazardous air pollutants for source categories must be adopted by the state at the time of Title V program approval. As additional federal standards are issued, the state will be required to adopt, by reference, federal standards for hazardous air pollutants for additional source categories (174 in total). Specific hazardous air pollutants listed in Title III of the Clean Air Act Amendments of 1990 are regulated for the designated source categories.

This rule also adopts, by reference, 40 CFR Part 63 Subpart B, as required for administration of the Title V operating permit program. This Subpart establishes requirements regulating major sources of hazardous air pollutants in the event that EPA lags more than 18 months behind schedule (112(d)) in issuing a control technology standard for an industry. Upon this 18 month deadline, the owner or operator of each major source with emission units in that category must apply for a case-by-case determination of the maximum achievable control technology (MACT). MACT determinations for emission units subject to case-by-case determination of equivalent emission limitations must be incorporated into the Title V operating permit for the affected source. The rule also establishes a requirement that sources come into compliance with standards subsequently issued by EPA under 40 CFR 63, and adopted by the state, in cases where a case-by-case MACT is in the process of being applied for or has already been incorporated into an operating permit.

This rule also adopts by reference 40 CFR 63 Subpart D, as required for administration of the Title V operating permit program. This Subpart establishes the conditions under which sources may voluntarily elect to reduce the emissions of hazardous air pollutants in exchange for a compliance extension.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards," Iowa Administrative Code.

The purpose of this rulemaking is to update references to federal regulations and to adopt, by reference, the federal standards for hazardous air pollutants for source categories.

The hazardous air pollutant standards are required to be adopted by the state as a part of the Title V operating permit program delegation of authority. Section 112(l) of the federal Clean Air Act Amendments of 1990 establishes the mechanism necessary for the state to meet the obligation to administer these standards. In accord with Section 112(l) all current federal standards for hazardous air pollutants for source categories must be adopted by the state at the time of Title V program approval. Standards may apply to major sources, area sources or both.

The federal standards (40 CFR Part 63) to be adopted include: General Provisions (Subpart A), Synthetic Organic Chemical Manufacturing Industry (Subparts F, G, H, and I), Coke Ovens (Subpart L), Dry Cleaners (Subpart M), Hard and Decorative Chromium Electroplating and Anodizing Tanks (Subpart N), Ethylene Oxide Commercial Sterilizers and Fumigation Operations (Subpart O), Chromium Emissions from Industrial Process Cooling Towers (Subpart Q), Gasoline Distribution Facilities (Subpart R), Halogenated Solvent Cleaning Machines (Subpart T), Epoxy Resins Production and Non-Nylon Polyamides Production (Subpart W), and Magnetic Tape Manufacturing Operations (Subpart EE).

Subpart B, requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j), establishes requirements for regulation of major sources of hazardous air pollutants in the event that EPA lags more than 18 months behind the schedule established in 112(d) for issuing a control technology standard for a source category. If EPA has failed to promulgate a standard for that source category by 18 months after the 112(d) deadline, the owner or operator of each major source with emission units in that category must apply for a case-by-case determination of the maximum achievable control technology (MACT) from the state.

Subpart D, regulations governing compliance extensions for early reductions of hazardous air pollutants, establishes the conditions under which sources may voluntarily elect to reduce the emissions of hazardous air pollutants in exchange for a compliance extension.

A Notice of Intended Action proposing these amendments was published in the Iowa Administrative Bulletin on June 7, 1995, as **ARC 5658A**. A public hearing was held on July 7, 1995. One oral comment and three written comments were received. There were changes made from the Notice of Intended Action as a result of the comments. These changes are as follows:

In subrule 23.1(4)"h", a sentence is added to the end of the paragraph, which specifies when a piece of equipment is in organic hazardous air pollutant service.

In subrule 23.1(4)"i", a reference to the Code of Federal Regulations is added, to clarify what is meant by "specified processes."

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133 and will become effective October 18, 1995.

The following amendments are adopted.

ITEM 1. Amend 22.5(2)"a," introductory paragraph, as follows:

a. Particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for particulate matter in 40 CFR §81.316 (as amended through ~~March 10, 1994~~ April 11, 1994), then emission offsets must be achieved prior to startup.

ITEM 2. Amend 22.5(2)"b," introductory paragraph, as follows:

b. Sulfur dioxide nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for sulfur dioxide in 40 CFR §81.316 (as amended through ~~March 10, 1994~~ April 11, 1994), then emission offsets must be achieved prior to startup.

ITEM 3. Amend the following definitions in rule 567--22.100(455B) as follows:

“Applicable requirement” includes the following:

1. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52 as amended through ~~July 30, 1993~~ August 4, 1994;

“Designated representative” means a responsible natural person authorized by the owner(s) or operator(s) of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR Part 72 as amended to ~~July 30, 1993~~ November 22, 1994, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term “responsible official” is used in rules 22.100(455B) to ~~22.116(455B)~~ 22.208(455B), it shall be deemed to refer to the designated representative with regard to all matters under the acid rain program.

“EPA reference method” means any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M, as amended through ~~July 20, 1993~~ January 5, 1995; 40 CFR 52, Appendices D and E, as amended through ~~July 20, 1993~~ August 4, 1994; 40 CFR 60 ~~Appendix Appendices A, B, C, and E~~, as amended through ~~May 17, 1993~~ December 15, 1994; 40 CFR 61, Appendix B, as amended through ~~June 25, 1993~~ July 15, 1994; 40 CFR 63, Appendix A, as amended through ~~October 27, 1993~~ March 8, 1995; and 40 CFR 75, Appendices A, B, and H, and amended through ~~July 20 1993~~ August 18, 1994.

“Existing hazardous air pollutant source” means any source as defined in 40 CFR 61 (as amended through ~~June 25, 1993~~ July 15, 1994) and 40 CFR 63.72 (as amended through ~~October 27, 1993~~ March 8, 1995) with respect to section 112(i)(5) of the Act, the construction or reconstruction of which commenced prior to proposal of an applicable section 112(d) standard.

ITEM 4. Amend paragraph 22.103(1)”a” as follows:

a. An emission unit which has the potential to emit less than:

4000 lbs per year of carbon monoxide,

1600 lbs per year of nitrogen oxides,

1600 lbs per year of sulfur dioxides,

1000 lbs per year of particulate matter,

600 lbs per year of PM-10,

1600 lbs per year of volatile organic compounds,

24 lbs per year of lead,

120 lbs per year of fluorides,

280 lbs per year of sulfuric acid mists,

400 lbs per year of total reduced sulfur compounds,

20 lbs per year of any hazardous air pollutant except high-risk pollutants, or

20 lbs per year of any high-risk air pollutant divided by the weighting factor ~~defined in 40 CFR 63.74, Table 1, as adopted December 29, 1992~~ established in the definition of “High risk pollutant” in 567--22.100(455B).

ITEM 5. Amend subrule 22.105(3) as follows:

22.105(3) Hazardous air pollutant early reduction application. Anyone requesting a compliance extension from a standard issued under 112(d) of the Act must submit with its Title V permit application information that complies with the requirements of ~~40 CFR 63, Subpart D, as amended through October 27, 1993~~ established in 567--paragraph 23.1(4)"d."

ITEM 6. Amend paragraph 22.107(1)"c" as follows:

c. Prioritization of applications. The director shall give priority to action on Title V applications involving construction or modification for which a construction permit pursuant to subrule 22.1(1) or Title I of the Act, Parts C and D, is also required. The director also shall give priority to action on Title V applications involving early reduction of hazardous air pollutants pursuant to ~~40 CFR 63, Subpart D, as amended through October 27, 1993~~ 567--paragraph 23.1(4)"d."

ITEM 7. Amend subrule 22.107(5) as follows:

22.107(5) Hazardous air pollutant early reduction application evaluation review shall follow the procedures ~~contained in 40 CFR 63, Subpart D, as amended through October 27, 1993~~ established in 567--paragraph 23.1(4)"d."

ITEM 8. Insert the following **new subrule 23.1(4)** and renumber existing **subrule 23.1(4) as 23.1(5)**.

23.1(4) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through March 8, 1995, are adopted by reference, except 40 CFR § 63.12, 63.14, 63.15, and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in a biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule "hazardous air pollutant" has the same meaning found in 567--22.100(455B). For the purposes of this subrule a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

a. General provisions. General provisions apply to owners or operators of affected activities or facilities except when otherwise specified in a particular subpart or in a relevant standard. (Subpart A)

b. Requirements for control technology determinations for major sources in accordance with Clean Air Act Sections 112(g) and 112(j). The owner or operator of a new or existing major source of hazardous air pollutants which includes one or more stationary sources included in a

source category or subcategory for which the U.S. Environmental Protection Agency has failed to promulgate an emission standard within 18 months of the deadline established under 112(d) must submit an application for a Title V permit or an application for a significant permit modification or for an administrative amendment, whichever is applicable. The application must be made in accordance with procedures established under Title V, by the section 112(j) deadline. In addition, the owner or operator of a new emission unit may submit an application for a Notice of MACT Approval before construction. (Subpart B)

c. Reserved.

d. Compliance extensions for early reductions of hazardous air pollutants. Compliance extensions for early reductions of hazardous air pollutants are available to certain owners or operators of an existing source who wish to obtain a compliance extension from a standard issued under Section 112(d) of the Act. (Subpart D)

e. Reserved.

f. Emission standards for organic hazardous air pollutants from the synthetic chemical manufacturing industry. These standards apply to chemical manufacturing process units that are part of a major source. These standards include applicability provisions, definitions and other general provisions that are applicable to Subparts F, G, and H of 40 CFR 63. (Subpart F)

g. Emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry for process vents, storage vessels, transfer operations, and wastewater. These standards apply to all process vents, storage vessels, transfer racks, and wastewater streams within a source subject to Subpart F of 40 CFR 63. (Subpart G)

h. Emission standards for organic hazardous air pollutants for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes that are located at a plant site that is a major source. Affected equipment includes: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63. In organic hazardous air pollutant or in organic HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of 40 CFR Part 63.161. The provisions of 40 CFR Part 63.161 also specify how to determine that a piece of equipment is not in organic HAP service. (Subpart H)

i. Emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulation for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes (defined in 40 CFR 63.190) that are located at a plant site that is a major source. Subject equipment includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems at certain source categories. These standards establish the applicability of subpart H for sources that are not classified as synthetic organic chemical manufacturing industries. (Subpart I)

j. Reserved.

k. Reserved.

l. Emission standards for coke oven batteries. These standards apply to existing coke oven batteries, including by-product and nonrecovery coke oven batteries and to new coke oven batteries, or as defined in the subpart. (Subpart L)

m. Perchloroethylene air emission standards for dry cleaning facilities. These standards apply to the owner or operator of each dry cleaning facility that uses perchloroethylene. New and existing major source dry cleaning facilities are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source dry cleaning facilities are required to control emissions to the level achieved by generally available control technologies (GACT) or management practices. All coin-operated dry cleaning machines are exempt from the requirements of this subpart. (Subpart M)

n. Emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. These standards limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks at major and area sources. (Subpart N)

o. Emission standards for hazardous air pollutants for ethylene oxide commercial sterilization and fumigation operations. New and existing major source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level achieved by generally available control technologies (GACT). Certain sources are exempt as described in 40 CFR 63.360. (Subpart O)

p. Reserved.

q. Emission standards for hazardous air pollutants for industrial process cooling towers. These standards apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994, and are either major sources or are integral parts of facilities that are major sources. (Subpart Q)

r. Emission standards for hazardous air pollutants for sources categories: Gasoline distribution: (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. (Subpart R)

s. Reserved.

t. Emission standards for hazardous air pollutants: Halogenated solvent cleaning. These standards require batch vapor solvent cleaning machines and in-line solvent cleaning machines to meet emission standards reflecting the application of maximum achievable control technology (MACT) for major and area sources; area source batch cold cleaning machines are required to achieve generally available control technology (GACT). The subpart regulates the emissions of the following halogenated hazardous air pollutant solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, and chloroform. (Subpart T)

u. Reserved.

v. Reserved.

w. Emission standards for hazardous air pollutants for epoxy resins production and nonnylon polyamides production. These standards apply to all existing, new and reconstructed manufacturers of basic liquid epoxy resins and manufacturers of wet strength resins that are located at a plant site that is a major source. (Subpart W)

x. to ad. Reserved.

ae. Emission standards for magnetic tape manufacturing operations. These standards apply to major sources performing magnetic tape manufacturing operations. (Subpart EE)

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the Department's Records Center)

Mr. Stokes briefly reviewed the rules.

Motion was made by Verlon Britt to approve Final Rule--Chapters 22 and 23, NESHAPS Standards. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION AND EMERGENCY ADOPTED RULE--CHAPTERS 40 AND 43, WATER SUPPLY PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be asked to approve immediate adoption as well as notice of intended action on the attached proposed rules. The proposed rules are intended to implement action of the 1995 Iowa Legislature, HF 553, Section 34. This Bill revises existing legislation and rules for assessment of water supply operation permit fees. The rules are designed to generate funds for the water supply program as originally authorized by 1994 Iowa Acts, Senate File 2314, Section 48. The proposed changes include:

- New definitions for "population served" and "service connections" are added to Rule 40.2.
- All community and non-transient non-community water systems will be assessed an annual fee of \$25.00 or \$0.14 per person (whichever is greater).
- For municipalities the proposed fee is based upon the last official U.S. census population.
- Non transient non-community systems will be assessed based on either the actual population verifiable by the department, or population as calculated by multiplying by an occupancy factor of 2.5 persons per service connection.

- Transient non-community systems will be assessed \$25.00 per year.
- These rules provide for maintenance of primacy of Iowa's Safe Drinking Water Act water supply program. They will produce revenue amounts of \$350,000 during each State fiscal year.
- The fees for water supply construction permits will be eliminated.

The proposed rules allow the Environmental Protection Commission to adjust the fee payment by up to +/- \$0.02 per person served so as to achieve the Legislature's targeted revenue. The Environmental Protection Commission would hold a single public hearing concerning the necessity for making a fee schedule adjustment upward or downward for a particular State fiscal year.

ENVIRONMENTAL PROTECTION COMMISSION (567)

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission proposes to amend 567--Chapter 40, "Scope of Division-- Definitions-- Forms--Rules of Practice," and Chapter 43, "Water Supplies--Design and Operation," Iowa Administrative Code.

The proposed amendments revise the existing rules for the assessment of fees for water supply operation. The proposed fee structure is anticipated to generate the funds originally authorized by 1994 Iowa Acts, Senate File 2314, Section 48 and amended by the action of the 1995 Iowa Legislature (HF 553, Section 34). The reason for adopting these rules as an emergency filing is to set forth the legislated fee structure and put the new rules into effect as quickly as possible.

In compliance with Iowa Code Section 17A.4(2), the Department finds that notice and public participation are impracticable because of the immediate need for changes to the rules to implement new provisions of the law. The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made upon filing with the Administrative Rules Coordinator on August 25, 1995, as it confers a benefit upon regulated public water supplies.

This amendment is also published herein under Notice of Intended Action as ARC _____ to allow public comment. This emergency filing permits the Department to implement the new provisions of HF 553, Section 34.

New definitions for "population served" and "service connections" have been added to Rule 40.2. Rule 40.5(17A.455B) is amended to reference the new fee structure. Paragraph 43.2(3)"b" is amended to provide for an annual fee for the operation of a public water supply. The fee is to be based on the population served and is to be paid annually or with the application for a new or renewed operation permit. All facilities, except for those located on Indian lands, pay an operation fee. A fee of \$0.14 per person will be assessed for all community and nontransient noncommunity water systems. For municipalities the proposed fee is based upon

the last official U.S. census population. Nontransient noncommunity systems will pay based on either the actual population verifiable by the department, or population as calculated by multiplying by an occupancy factor of 2.5 persons per service connection. Transient noncommunity systems will pay \$25.00 per year.

Six public hearings are being held and public comments are being solicited pursuant to the concurrent Notice of Intended Action.

These rules may have an impact on small business.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code chapter 455B, division III, part 1, and 1994 Iowa Acts, Senate File 2314, Section 48, as amended by 1995 Iowa Acts, House File 553, Section 34.

The amendment becomes effective August 25, 1995.

ITEM 1. Amend 567--40.2(455B) by adding the following new definitions in alphabetical order:

"Population served" means the total number of persons served by a public water supply that provides water intended for human consumption. For municipalities it is the last official U.S. census population (or officially amended census population). For all other community public water supply systems it is either the actual population counted which is verifiable by the department, or population as calculated by multiplying the number of service connections by an occupancy factor of 2.5 persons per service connection. For nontransient noncommunity (NTNC) and transient noncommunity (TNC) systems, it is the average number of daily employees plus the average number of other persons served such as customers or visitors during the peak month of the year regardless if each person actually uses the water for human consumption. Where a system provides water to another public water supply system (consecutive public water supply system) which is required to have an operation permit, the population of the recipient water supply shall not be counted as a part of the water system providing the water. Community and nontransient noncommunity public water supply systems will pay their operation permit fees based upon the population served.

"Service connections" means the total number of active and inactive service lines originating from a water distribution main for the purpose of delivering water intended for human consumption. For municipalities, rural water districts, mobile home parks, housing developments, and similar facilities, this includes, but is not limited to, occupied and unoccupied residences and buildings, provided that there is a service line connected to the water main (or another service line), and running onto the property. For rental properties which are separate public water supply systems, this includes, but is not limited to, the number of rental units such as apartments.

ITEM 2. Amend 567--40.5(17A,455B) as follows:

567--40.5(17A,455B) Public water supply operation permit application procedures. A person ~~required requesting to obtain or renew~~ a water supply operation permit pursuant to 567--43.2(455B) must complete the appropriate application form, which will be provided by the department. Upon receipt of a complete application and the appropriate fee pursuant to 43.2(3)"b", the department shall review the application and if approvable shall prepare and issue a water supply operation permit or draft permit, as applicable, and transmit it to the applicant. A permit or renewal will be denied when the applicant does not meet one or more requirements for issuance or renewal of ~~such~~ this permit.

ITEM 3 Rescind 43.2(3)"b" and insert in lieu thereof the following new paragraph:

567--43.2(3)"b" Operation fees.

(1) A non refundable fee for the operation of a public water supply system shall be paid annually ~~or with the application for a new or renewed operation permit~~. The fee shall be based on the population served. The fee shall be the greater of \$25.00 per year or \$0.14 multiplied by the total population served by the public water supply by for all community and nontransient noncommunity public water supply systems. The fee shall be \$ 25.00 per year for all transient noncommunity water systems. Where a system provides water to another public water supply system (consecutive public water supply system) which is required to have an operation permit, the population of the recipient water supply shall not be counted as a part of the water system providing the water.

(2) Fee notices. The department will send annual notices to public water supply systems at least 60 days prior to the date that the operation fee is due.

(3) First annual fee payment. The annual fee payment for the fiscal year beginning July 1, 1995, and ending June 30, 1996, must be paid to the department by December 25, 1995.

(4) Fee payments after July 1, 1996. For the State fiscal year beginning July 1, 1996, and thereafter, the annual operation fee must be paid to the department by September 1 each year.

(5) New public water systems. The initial operation fee payment for a new public water supply is due with the initial application for the annual operation fee. The amount of the initial yearly payment of the operation fee shall be determined based upon the population served. The operation fee will not be pro-rated. Annual operation fee payments after obtaining an initial operation permit shall be due by September 1 each year, in accordance with the fee schedule outlined in 567-43.2(3)"b"(1).

(6) Fee schedule adjustment. The environmental protection commission may adjust the per capita fee payment by up to +/- \$0.02 per person served so as to achieve the targeted revenue. The environmental protection commission will hold a public hearing concerning the necessity for making a fee schedule adjustment upward or downward for a particular state fiscal year. The extent of the fee adjustment is limited by the intent of 1994 Iowa Acts, Senate File 2314, Section 48, and its subsequent amendments, and will produce revenue amounts of \$350,000 during each fiscal year.

(7) Exempted public water supply systems. Public water supply systems located on Indian lands are exempt from the fee requirements.

ITEM 4. Amend 43.3(3)"b" last sentence and table as follows:

All construction permit applications shall be exempted from permit fee requirements. ~~accompanied by a non-refundable fee, as specified below:~~

<u>Type of Construction</u>	<u>Fee</u>
Distribution System	\$ 50
Treatment ——— Units	\$ 75
per unit, not to exceed (\$225 total)	
Storage Facilities	\$ 100
New Water Source	\$ 125

Date

Larry J. Wilson, Director

Mr. Stokes explained that staff is asking for emergency adoption because these fees are due in December and it would be best to have the new fees in place at that time. He noted that in developing the first set of water supply fee rules, staff worked closely with LEGERC and those rules were rejected by the Administrative Rules Review Committee. The legislature then changed the law and staff developed the present set of rules. He stated that the rules present a fees scenario that staff feel is consistent with the legislature's intent. He expanded on details of the rule and displayed a water supply fee comparison showing the amounts that will be paid by various size water systems.

Motion was made by Gary Priebe to approve Notice of Intended Action and Emergency Adopted Rule--Chapters 40 and 43, Water Supply Permit Fees. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS - COE REGIONAL SECTION 404 PERMIT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission will be asked to approve the attached Final Rule amending Chapter 61, "Water Quality Standards." The final rule, if approved, would provide Section 401 water quality certification for a U.S. Corps of Engineers regional Section 404 permit. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards.

The regional permit in question would authorize fill and excavation activities associated with the construction of roadways and bridges in Iowa, including the placement of up to 500 cubic yards of material below the ordinary high water mark for the construction of bridge abutments, piers, and roadways. Conditions contained in the regional permit would insure that environmentally sensitive areas would not be disturbed and would require compensatory mitigation for unavoidable wetland impacts. The regional permit is not a new permit but is a regional permit originally issued in 1979 which has expired and is being renewed. The Commission has previously provided Section 401 water quality certification for 26 nationwide and three regional Corps Section 404 permits.

The Notice of Intended Action was published on June 7, 1995, and comments on the proposed amendments were accepted through June 28, 1995. No written or oral comments were received and the final rule is identical to the NOIA.

If approved, the rule amendment would become effective October 18, 1995.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code. The amendment to Chapter 61 provides Section 401 certification for the Rock Island District Corps of Engineers' regional permit 7, which authorizes fill and excavation activities associated with the construction of roadways and bridges. Section 401 certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 7, 1995, as ARC 5657A. Comments on the proposed amendments were accepted through June 28, 1995. No comments were received and the adopted amendment is identical to the amendment published in the Notice of Intended Action. The Environmental Protection Commission adopted the amendment at its August 21, 1995 meeting.

This rule is intended to implement Iowa Code chapter 455B, Division III, Part 1.

The amendment will become effective on October 18, 1995.

Paragraph 567--61.2(2)"h" is amended to read as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567--Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise

exempted will be subject to 567--Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567--70.2 (455B, 481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, Numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Stokes briefly explained the rules.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 61, Water Quality Standards - COE Regional Section 404 Permit. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION--WELCH OIL, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 3, 1994, the department issued Administrative Order No. 94-UT-52 to Welch Oil, Inc. That action required the company to cease operation of petroleum underground storage tanks unless proof of financial responsibility was submitted, and to pay an administrative penalty of \$10,000.00. That action was appealed by the company, and the matter proceeded to administrative hearing on May 19, 1995. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on July 11, 1995. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case. He stated that he believes the party will appeal and it will come before the Commission at that time.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

ALJ DECISION UPHELD

GENERAL DISCUSSION**Leopold Board**

Kathryn Draeger reported on the Leopold Board meeting she attended last week. She related that the board discussed possibly setting up issue teams regarding the swine industry and its effect on Iowa, and also on drawing new farmers into Iowa to replace those retiring or leaving the state.

Insecticide Spraying

Gary Priebe mentioned a phone call he received from a person whose wildlife habitat along a dredge ditch was completely ruined due to the county spraying brush killer. Commissioner Priebe inquired as to whether there are rules against spraying insecticides over open water.

Mr. Stokes stated that there are no rules to prohibit that. He added that there is a rule addressing requirements when introducing a herbicide into the water (for weed control) wherein a public water supply draws from that area. Mr. Stokes stated that if there are any rules regarding general agricultural application they would be under the Department of Agriculture.

Don Grell

Charlotte Mohr asked why Don Grell cancelled his appointment before the Commission today.

Director Wilson stated that he and staff met with Don Grell and Ernie Kersten prior to the Commission meeting today to clarify what has been said in several previous meetings with Mr. Grell. Mr. Wilson noted that he reiterated to them what is required by the department when they want to do experimental work. The meeting was satisfactory so they decided not to meet with the Commission.

NEXT MEETING DATES

September 18, 1995

October 16, 1995

November 20, 1995

Discussion took place in regard to taking a tour in conjunction with the September meeting. Consensus was to meet in Northwest Iowa and tour Shine Brothers Recycling, Siouxland Mat Company, and the Gary Harpenau swine operation. The Commission meeting will be held the

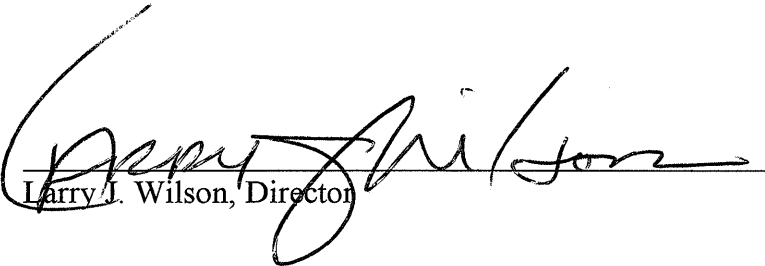
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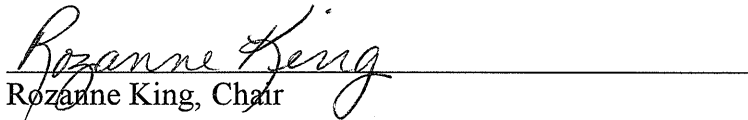
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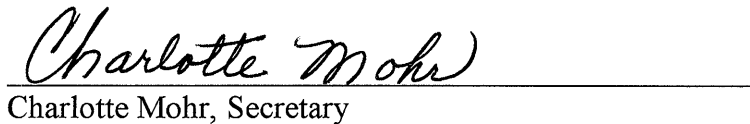
afternoon of Monday, September 18, and the tour will begin at 8:00 a.m. on Tuesday, September 19.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 1:45 p.m., Monday, August 21, 1995.


Larry I. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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